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SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 March 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.10 p.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ANGOLA

1. Mr. CHICOTI (Angola) said that the end of the cold war had been followed not by peace but by the spread of regional conflicts that were creating deep imbalances between societies. Wealth continued to be concentrated in the North, to the detriment of the countries of the South. The latter, due to the unfavourable international trading system were being frustrated in their efforts to combat poverty and unemployment, and continued to be perceived merely as suppliers of raw materials and cheap labour.

2. If globalization was to benefit humanity, it must be accompanied by a fair world order, one in which the less developed countries could participate in global decisions and in which a profound transformation of the international monetary system was possible.

3. Respect for human rights was imperative for all peoples. His Government had included 35 articles on human rights in the Constitution and had abolished the death penalty. A national human rights section had been established within the Justice Department to work with non-governmental organizations (NGOs) to educate citizens on matters pertaining to human rights and a national institute of judiciary studies had been established to ensure that the laws were implemented with impartiality.

4. For the past 25 years, Angola had been experiencing an armed conflict due to the ambitions of a rebel group led by Jonas Savimbi. The resulting instability had given rise to systematic violations of human rights. The recent report of the panel of experts established pursuant to Security Council resolution 1237 (1999) (S/2000/203) had revealed facts about the aggression and conspiracies directed against Angola since its independence and the identity of those responsible. The report on the question of the use of mercenaries as a means of violating human rights (E/CN.4/2001/19) provided further evidence of the flagrant violation of human rights in his country.

5. Accordingly he requested the Commission to pressure those who persisted in encouraging and funding the armed rebellion in Angola to desist. They should recognize the universality of human rights and stop demanding that blood diamonds be considered worth more than human lives in Angola.

6. Finally, he expressed the hope that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would lead to a new world vision whereby racial discrimination would be combated and the moral and material damage suffered by the victims of such discrimination would be compensated.

STATEMENT BY THE PERMANENT SECRETARY IN THE MINISTRY OF FOREIGN AFFAIRS OF CYPRUS

7. Mr. ATTALIDES (Cyprus), having stated that his Government aligned itself with the statement made by the Minister for Foreign Affairs of Sweden on behalf of the European Union,

said that, over the past 50 years, considerable efforts had been made to strengthen the legal framework for the protection of human rights, and the United Nations had played a central role in those efforts. It was generally agreed throughout the world that it was no longer acceptable for Governments to apply the death penalty, that the use of torture was abhorrent, that female genital mutilation was a form of torture and that trafficking in human beings was a form of slavery. No part of the world was safe from such abominations, however, and it was to be hoped that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would provide an opportunity to confront the past and to shape a better future.

8. Turning to the issues of compliance and accountability, particularly as they related to his own country, he said that the violations committed by Turkey during its invasion of Cyprus in 1974 were still continuing. According to a 1999 report of the European Commission of Human Rights, Turkey was guilty of continuing violations in connection with the human rights of persons missing since the invasion of Cyprus and of inhuman treatment of their relatives, of preventing the return to their homes of the one third of the population who were refugees and of violation of the rights of property by denying access to and enjoyment of property. Furthermore, those violations concerned exclusively Greek Cypriots and were therefore discriminatory.

9. His Government was disappointed by the report of the Secretary-General (E/CN.4/2001/31), for it turned a blind eye to those violations. It should have stated that the Turkish Cypriot side, backed by Turkey, had refused to continue the negotiations process; that the Turkish army had advanced in the area it occupied; that additional limitations had been imposed on the capacity of the United Nations Peacekeeping Force in Cyprus (UNFICYP) to operate; that there had been threats to exclude UNFICYP from the Turkish-occupied area if Cyprus's application for European Union membership succeeded; and that there had been threats to kidnap Greek Cypriots. One such kidnapping had occurred.

10. The report's limited references to human rights issues concealed more than they revealed. Paragraphs 9 and 10 did not reveal that all progress had been stopped by the Turkish Cypriot side's refusal to implement the agreement on missing persons. The report was silent about the finding of racial discrimination against Greek Cypriots and Maronites, and, astonishingly, about the findings of the European Commission on Human Rights regarding Turkey's mass violations of the European Convention on Human Rights.

11. No mention was made of the Turkish Government's continuing refusal to implement the judgement of the European Court of Human Rights in Loizidou v. Turkey, which upheld the right of refugees to return to their homes. He believed that the Commission was entitled, under its resolution 1987/50, to such information.

12. The report gave a misleading picture regarding the ability of UNFICYP to encourage intercommunal activities, since intercommunal contacts were prevented by restrictions on freedom of movement imposed by the local administration. Those restrictions had recently been further tightened.

13. While it did refer to the good offices mission, the report was silent about the responsibility of Turkey and Mr. Denktash for ending the process initiated by the Secretary-General pursuant to Security Council resolution 1250 (1999). There was no mention either of the fact that Turkish Cypriots were currently a minority in the occupied part of Cyprus due to Turkey's policy of implanting settlers.

14. As noted by the Minister for Foreign Affairs of Sweden, the world must understand that reports of human rights violations were warning signals and must take action to prevent crises from escalating into armed conflicts.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (E/CN.4/2001/3, 7, 27-30, 108-114, 118, 121, 130, 133, 136 and 142; E/CN.4/2001/NGO/7, 18, 53, 74, 118 and 149; E/2000/112-E/CN.4/S-5/5 and Add.1; E/CN.4/S-5/3)

15. Ms. TOPALI (Office of the High Commissioner for Human Rights), speaking on behalf of the Special Rapporteur, introduced the update to the mission report on Israel's violations of human rights in the Palestinian Territories occupied since 1967 (E/CN.4/2001/30). The Special Rapporteur had sought to focus on areas where the situation created by the second intifada had given rise to especially grave violations, specifically with regard to the use of force and with regard to economic, social and cultural rights.

16. In the economic sector, families, communities and even the Palestinian Authority had exhausted their savings and reserves, the result had been a dramatic fall in the standard of living which would have long-lasting consequences.

17. The basic conclusion was that the time had come for the international community to take decisions and specific actions to create the conditions for a new peace process that would take human rights into account. Without that, no just and lasting peace was possible. Both sides would have to make painful compromises.

18. His recommendations were the same as those he had submitted in October 2000. The main recommendation concerned protection. Real protection could help lower the tension and thereby promote greater respect for human rights and greater security. With the good will of all involved, it might, perhaps, be possible to resume the peace process in a more constructive manner. The recent statement by the Deputy Minister for Foreign Affairs of Israel was encouraging, provided it was echoed in other appropriate forums.

19. Mr. DUGARD (Chairman of the Human Rights Inquiry Commission), introducing the report of the Human Rights Inquiry Commission established pursuant to Council resolution S-5/1 (E/CN.4/2000/121), said that the Inquiry Commission had been guided by two considerations: the need to promote the peaceful resolution of the conflict and the responsibility of pronouncing itself in an impartial manner.

20. The chapter entitled "Clarifying the context: illusion and reality" stressed the vastly different perceptions of the second intifada on the part of Israelis and Palestinians, both peoples saw themselves as the victims of terror. While the people of Israel had also suffered, the

Palestinians had suffered more in terms of loss of life, injuries and denial of the most basic human needs. Whereas, on one side, the suffering inflicted was the result of actions of individuals and loosely organized groups, on the other it had been orchestrated with military precision.

21. Concerning the Israeli argument that it was engaged in armed conflict with Palestinian security forces and was therefore exempt from the normal constraints of law-enforcement operations, the Commission had found that the conflict had not reached a level warranting abandonment of the policing rules applicable in violent demonstrations. Even if that assessment were incorrect, the Israeli Defence Force (IDF) was responsible for excessive use of force against civilians, particularly against juveniles.

22. The manner in which the destruction of homes and land had been carried out suggested that it was more a matter of collective punishment than of military necessity. Moreover, the targeting of Palestinian leaders for assassination was a violation of norms of human rights and humanitarian law.

23. The Commission reaffirmed the position of the international community that the establishment of settlements in the West Bank, (including East Jerusalem) and Gaza was in violation of article 49, sixth paragraph, of the Fourth Geneva Convention. Most of the violence had occurred near, or on the roads leading to, settlements. Without settlements, the number of deaths and injuries would have been far lower. Both sides were paying a high price for a programme that violated a cardinal principle of international law.

24 The Commission had therefore called for a cessation of such violations and for respect for human rights norms, for an end to the occupation of Palestinian territories and the dismantling of settlements. To that end, it recommended the establishment of an international presence in the region to monitor compliance with human rights norms and international humanitarian law. It found no justification for the refusal to establish such a presence in a territory that had once been under international mandate and that was entitled to international assistance in the achievement of full statehood. It further recommended that the High Contracting Parties to the Fourth Geneva Convention should reconvene with a view to ensuring that Israel complied with its obligations under that Convention.

25. It called upon the European Union to become more engaged in the search for peace in the region and it called on the Commission on Human Rights to facilitate dialogue by convening a consultation between leaders of civil society in Israel and Palestine. Such a consultation should be held in Geneva as soon as possible.

26. Mr. HOSSEIN (Member of the Human Rights Inquiry Commission) said that the closures, curfews, restrictions on movement and destruction of property had imposed severe socio-economic hardships on the Palestinian population in the occupied territories. To claim a security justification for measures which inflicted such pronounced harms placed a heavy burden of persuasion on those imposing the measures, namely the Government of Israel. The cumulative effect of the restrictions was understandably perceived by Palestinians as a siege. Workers were unable to get to work. Farm produce could not reach markets. Shops and offices were unable to open. Hundreds of Israeli Defence Force checkpoints impeded entry to and exit

from cities. Passage between the north and south of the Gaza Strip was likewise impeded. Such closures, as well as restriction on the movement of goods from Israel into the occupied territories, had a direct negative effect on all sectors of the economy. There was also restricted access to hospitals and schools.

27. The overall disruption in the economy had resulted in an average unemployment rate of 38 per cent, compared with 11 per cent in the first nine months of 2000. Loss of gross domestic product (GDP) was estimated at around US$ 900 million, and loss of labour income from employment in Israel at around US$ 250 million, making a total loss of over US$ 1 billion. There had also been significant losses to the public sector from lost revenues: in 1999, 63 per cent of all Palestinian Authority revenues had been in the form of transfer of revenues collected by Israel on behalf of the Authority. Such transferred revenues were estimated to be US$ 53 million per month. Those revenues had been withheld from the Authority since October 2000, eroding its revenue base and affecting its ability to pay its employees.

28. The measures of closure, curfew and severe restrictions on the movement of people and goods constituted violations of the Fourth Geneva Convention and of the human rights obligations binding upon Israel. They had had a negative impact on internationally recognized rights to work, to shelter, to education and to health. An overall assessment of the measures indicated that in most cases the burden of persuasion that they were justified by security considerations was not discharged; in fact, many of the measures were of a punitive character quite unrelated to security. In that connection, it might be relevant to draw attention to article 33 of the Fourth Geneva Convention which prohibited collective punishment.

29. Finally, he said that the Human Rights Inquiry Commission had received a letter dated 23 March 2001 from the Chairman of the Council of Arab Permanent Representatives in Geneva of Members of the League of Arab States in which the Council had expressed its reservation with regard to paragraph 129 of the Inquiry Commission's report (E/CN.4/2001/121). The Inquiry Commission believed that the concerns expressed would be substantially met if it were to clarify that its intention had been to draw attention to the suffering and the specially vulnerable situation of refugees in the occupied territories in the absence of effective international protection. It had not been its intention to express views on any matter not within its mandate, or to make any recommendation which would derogate from the relevant United Nations resolutions on the Palestinian refugees issue or to detract from the importance of the significant role of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in relation to them.

30. Mrs. ROBINSON (United Nations High Commissioner for Human Rights), introducing the report on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114), said that since her mission the situation on the ground had worsened. She had followed with deep dismay and growing concern the escalating violence. It was truly tragic that babies and young children on both sides had been killed and seriously wounded, the latest terrible examples being the shooting dead two days before of a 10-month-old Israeli baby girl, the previous day of an 11-year-old Palestinian boy, and that very day the killing and wounding of Israeli teenagers on their way to school. When in the name of humanity was it going to end, and who was going to have the moral courage to break the terrible cycle of violence? That was the fundamental question the Commission had to address.

31. She quoted what the Secretary-General of the United Nations had said on the subject the previous day in his statement to the Summit Meeting of the League of Arab States in Amman, Jordan, in which he had urged both sides to return to the path of peace. She added her own urgent plea to his.

32. The mission she had conducted had been undertaken at the urgent request of the Commission at its fifth special session because of the seriousness of the human rights situation in the occupied Palestinian territories. The visit to Israel had been scheduled at an earlier stage but postponed, and had focused on general cooperation on human rights issues, although the principal concern that had emerged was regarding the situation in the occupied Palestinian territories. The visits to Egypt and Jordan had given her a regional perspective on the situation. She had been conscious of the inherent difficulty of her mission, the complexity and political sensitivity of the issues to be addressed, and the importance of maintaining at all times a human rights perspective. Not everyone would agree her conclusions, but she had been guided primarily by the integrity of her mandate, and her report had been drafted in that spirit of conscience.

33. She had described the human rights situation in the occupied Palestinian territories as bleak, and had expressed concern at what she judged to be the excessive use of force by the Israeli authorities, particularly against youthful protestors. While acknowledging the insecurity felt by many ordinary Israelis, and noting a worrying increase in drive-by shootings and other violence on the Palestinian side, her report identified the steady expansion of settlements, the destruction without compensation of Palestinian property, and the devastating economic effect of the closures and travel restrictions as the major factors underpinning the situation. She had also expressed concern at the high incidence of hate speech on both sides which contributed directly to the current situation.

34. In the final section of her report, she had detailed a number of steps to improve the human rights situation, and she was convinced that her recommendations remained valid and that the need for their implementation was more urgent than ever. However troubling the current situation, it remained within the power of the main parties to take steps which would begin to reduce the tension and the hardship, and address urgently the current unacceptable level of violence.

35. The Israeli Defence Force should reduce its presence in the occupied Palestinian territories, and the closures, restrictions on movement and other economic measures which the Secretary-General had characterized as "collective punishment" should be eased immediately. The Palestinian leadership should immediately make concerted efforts to end all violence from its side. Those measures ought to clear the way for a return to negotiations, the aim of which should be a just and durable settlement in conformity with the fundamental standards of human rights. She hoped that the deliberations of the Commission might assist to bring that objective within reach.

36. Mr. RAMLAWI (Observer for Palestine) said that the fact that the Israeli occupation authorities had continuously perpetrated all kinds of crimes and flagrant human rights violations in occupied Palestinian territory for the past six months no longer needed any proof. The grave violations of human rights and international law constituted war crimes and crimes against humanity, and were inconsistent with the Charter of the United Nations.

37. At session after session, the Commission had adopted resolution after resolution condemning the Israeli occupation authorities, but successive Israeli Governments had not complied with the resolutions of the Commission, the Security Council or the General Assembly, and had been supported in so doing by the international protection they enjoyed from the United States of America. The international community had found itself incapable of dealing with the situation because of the support given by that super-Power and Israel had never faced any sanction from the international community.

38. Israel was the only State in the world to occupy others' land by force for more that 33 years; in violation of the principles of the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States; and to violate persistently and systematically the provisions of the Fourth Geneva Convention. It had perpetrated genocide-like massacres in Deir Yassin in 1948 and Qibia, Semoua, Sabra and Shatila in 1982. It had also committed the Al-Aqsa massacre in 1990 and the Ibrahimi shrine massacre in 1994.

39. The Commission had rightly expressed its grave concern in its resolution 1985/4 that, until a just and equitable solution that guaranteed their rights was achieved, the Palestinian people would be exposed to appalling massacres. In the past six months, hundreds of Palestinians had been killed - 30 per cent of them children - and more than 20,000 had been wounded. Israel had imposed collective punishment and carried out a policy of political assassinations, constituting a crime of genocide against the Palestinian people.

40. Ms. ABOULNAGA (Observer for Egypt) said that peace and security in the Middle East region and in the world as a whole was under serious threat, as the deteriorating situation in the occupied territories and the violation of the human rights of the Palestinian people had exceeded all limits. There was a host of international documentation to confirm what Israel had been doing. The International Committee of the Red Cross (ICRC), which usually adopted a restrained style, had recently published a report clearly condemning Israel's violations of human rights, international humanitarian law and the Fourth Geneva Convention.

41. Israel had impeded the activities of the Human Rights Inquiry Commission in the occupied territories, and was targeting civilians, and particularly children, using every means available. Reports from objective bodies within the international community provided detailed eyewitness reports of Israel's extensive human rights violations. The situation represented a challenge to the Commission on Human Rights, which had heard major statements on matters that were of the highest priority. The Security Council which was responsible for the maintenance of international peace and security, had proved incapable of adopting a resolution on deployment of an international observer force in the Palestinian territories because of the use of the veto. For their part, the Swiss authorities should give consideration to resuming as soon as possible the diplomatic conference on the Fourth Geneva Convention. All the members of the Commission on Human Rights should shoulder their ethical responsibilities.

42. In that connection, her Government was not persuaded by the argument that there might be a negative impact on the Middle East peace process if the Commission were to discuss Israel's human rights practices. In fact, it was difficult to know what peace process was meant,

since the Israeli Prime Minister had said that he was under no obligation to respect what had been discussed and had no intention of resuming the negotiations. It was time to convey a clear message to Israel that the international community could not stand idly by as it continued to violate human rights. Because of Israel's practices, her Government had decided to withdraw its Ambassador from Tel Aviv. An entire generation of young Egyptians born since the 1970s, was rejecting normalization of relations with Israel because it was horrified at what was going on. The hope had been that by now that generation would have favoured the fostering of peace with Israel.

43. Finally, her Government could not accept the credibility of the Special Rapporteur on the question of torture, or the reasons he gave for not requesting permission to visit Israel.

44. Mr. LEVY (Observer for Israel) said he wondered how divorced from reality the deliberations in the Commission could be. In the previous 24 hours, 2 car bombs and 2 suicide bombers had wrought havoc in the streets of Jerusalem and elsewhere in Israel, killing 2 young people and wounding 40, most of them children on their way to school. According to the reports quoted by all but one of the previous speakers, Israel alone was to blame. Was there no concern for Israeli victims?

45. The Government of Israel had informed the Human Rights Inquiry Commission that it would not cooperate with an inquiry based on a one-sided resolution. Moreover, the members of the Commission on Human Rights would recall that one of the members of the Inquiry Commission, Professor Falk, had published his views on the violence in the Middle East in the winter 2000 edition of Middle East Report at the time that he was being considered for membership of the Inquiry Commission, thereby casting further doubt on its eventual findings.

46. The Special Rapporteur's report was one-sided and prejudiced. It lacked integrity, since it made no mention of the Palestinian violence that had led to the killing of 70 Israelis, both civilians and soldiers, merely stating that the role and responsibility on the Palestinian side remained unclear. Such comments lent support to the Palestinian attempt to relegate the problems to the United Nations rather than to settle them, as agreed under the Oslo Accords, at the negotiating table. The report was a highly political one, a compilation based on second- and third-hand material, largely drawn from the media. It might be asked, therefore, what significant insight the Special Rapporteur had contributed.

47. The very mandate of the Special Rapporteur was flawed, and differed from that of any other special rapporteur. Its title, indeed, dictated its conclusions in advance. It was open-ended and not subject to review like other mandates. The result was the unequal treatment of Israel by the Commission and other United Nations bodies. He recalled that the mandate had been adopted in 1993, when Israel had controlled the West Bank and the Gaza Strip. The situation had, however, changed significantly with the signing of the Oslo Accords and the gradual transfer of control to the Palestinians. Other agreements had followed, under which Israel had turned over areas known as "A" zones, comprising over 40 per cent of the territories and in which most Palestinians lived, to full Palestinian control.

48. Since 1998, the Palestinian Authority had exercised control over the lives of almost 98 per cent of the Palestinians. The gradual transfer of control of additional areas was to have been negotiated and, as was well known, far-reaching proposals had been made at Camp David and Taba. Sadly, there had been no takers on the Palestinian side, no one ready for a compromise.

49. The former Special Rapporteur (between 1996 and 1998) had, on several occasions, recorded his view that the mandate should be changed. In that connection he drew attention to documents E/CN.4/1996/18, paragraph 40, E/CN.4/1997/16, paragraph 37, and E/CN.4/1998/17, paragraphs 72-73, in which the Special Rapporteur had stated his consistent view that the mandate should be reviewed.

50. If the Special Rapporteur were to report fairly on the current situation, he would begin by examining the role of the Palestinian Authority. Even though constraints had been placed on it as a result of the rioting, it still controlled over 40 per cent of the territory and an overwhelming majority of the population should be held largely accountable for what was happening. As it was, the report was full of erroneous assumptions.

51. With regard to the accusation made against Israel of excessive use of force, the reality was that Israeli civilians and armed forces had come under violent attack by people not wearing uniforms or other distinguishing insignia, often from within crowded civilian areas or within groups of unarmed participants. The perpetrators of such attacks acted in violation of the accepted rules relating to the conduct of hostilities. They could not divest themselves of combatant status at will. On the contrary, Israeli troops had been restrained, acting only in self-defence in the face of some 3,500 attacks involving live fire since the violence began. Those perpetrating the attacks were not civilians and could not claim immunity from an Israeli response. Israeli forces attempted to control violent assemblies by the use of tear gas or rubber bullets. Where live fire was involved, such graduated non-lethal methods of containment were ineffective.

52. Palestinian attacks had been indiscriminate and designed to create terror. Their perpetrators had not operated within any framework of law nor had they shown any regard for the principles of conduct that the Palestine Liberation Organization (PLO) was citing in its allegations against Israel. There was also no sign of the Tanzim rules of engagement.

53. As for economic hardship and closures, the policy of allowing increasing numbers of Palestinians - latterly exceeding 120,000 - to work in Israel had been changed because Palestinian workers were participating in terrorist activities. A bus driver, for example, had deliberately run over and killed eight young Israelis. An end to the violence would be achieved not by a commission of inquiry but by the Palestinian Authority unequivocally calling for it to halt.

54. Mr. AL-HUSSAMI (Syrian Arab Republic) said that Israel had not complied with a single United Nations resolution, even those adopted by the Security Council in the absence of a veto by the United States. Such behaviour showed contempt for the Charter of the United Nations and was unacceptable. He recalled that the Syrian Golan comprised 1,000 square metres and was one of the richest and best-watered territories in the region. It had

previously contained 250 villages with 160,000 inhabitants. There remained only five villages with 22,000 Syrian inhabitants, because Israel had isolated the villages and expelled the population. Documents A/55/453 and A/55/373 and Add.1 provided further details; and in that context he wondered why they had not been listed under agenda item 8. They made it clear that human rights were under constant attack with the occupation and the imposition of Israeli authority, which had had disastrous results. The inhabitants suffered unfair competition from settlers; they had difficulty in finding employment, acquiring seeds and water, or exporting their agricultural products; and their taxes were high. The situation was exacerbated by the expansion of Israeli settlements and the decision to impose the Hebrew language and the Israeli view of history in textbooks.

55. The health situation and living conditions were appalling. Facilities had been destroyed and the people were oppressed. Children under 18 had been imprisoned for demonstrating against the occupation. There were 17 Syrians in Israeli prisons, some since 1985. Israel must acknowledge the true behaviour of its settlers and security forces in the occupied territories, including the genocide of the Palestinian people and the kidnapping of children. It must stop distorting language to belittle peace and security. The United States and other countries should withdraw their support for Israel and respect the principles of human rights, the Charter of the United Nations and international law. They should provide proper protection for the Palestinians and the Syrian Arab Golan and impose sanctions on Israel to force it to implement United Nations resolutions and withdraw unconditionally from Syria and Lebanon.

56. Mr. MADI (Observer for Jordan) said that his country still sought to bring about a lasting peace. The two sides should return to the negotiating table on the basis of Security Council resolutions 242 and 338, the principle of land for peace and the withdrawal by Israel from all the territories occupied since June 1967.

57. Israel bore the responsibility for the current bloodshed and must comply with the various international resolutions and the Fourth Geneva Convention. It must halt its inhuman practices, such as killing, torture, detention, the use of excessive force, the establishment of settlements, the confiscation of land, the destruction of houses, the uprooting of fruit trees and the imposition of Judaization, particularly in the occupied city of Jerusalem, in an attempt to change its demography. Communal punishment and the sealing off of the occupied territories were also to be deployed. Those ousted from their homeland should be recompensed, as should victims of violence by Israeli forces or settlers.

58. His delegation welcomed the reports by the Secretary-General (E/CN.4/2001/27), the Special Rapporteur (E/CN.4/2001/30) and the United Nations High Commissioner for Human Rights (E/CN.4/2001/114). The High Commissioner's recommendations should be implemented, particularly those relating to the removal of settlements, the protection of economic rights and respect for all holy sites.

59. The question of Palestine would remain an international responsibility until a lasting solution was found, guaranteeing self-determination for the Palestinians, with their own State on their national soil and their own capital, the Holy City of Jerusalem. That end could be achieved only through the resumption of peace negotiations at the point at which they had been interrupted.

60. Mr. MOLANDER (Observer for Sweden), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that the situation in the occupied Palestinian territories had deteriorated markedly over the past 12 months. Confrontations between Israelis and Palestinians had had dramatic implications for human rights and international humanitarian law, leading the Commission to hold a special session on the issue.

61. The Union had repeatedly called on the parties to put an end to the violence and meet in a constructive spirit to resume their negotiations, which alone could secure a sustainable solution. It hoped that the Prime Minister of Israel and the Chairman of the Palestinian Authority would maintain the momentum of the peace process. The progress made should form the basis for future talks on the permanent status of the territories. The basis of negotiations must be Security Council resolutions 242 and 338, together with other relevant United Nations resolutions. The Union reiterated the inadmissibility of the acquisition of territory by war, the right for every State in the area to live in security and the principle of land for peace. It strongly condemned all acts of terrorism and violence. The Union was actively involved in the work of the International Fact-Finding Committee established following the Sharm al-Sheikh Summit in October 2000, which could contribute to restoring confidence and help both parties to restart their dialogue.

62. The Union called on Israel and the Palestinian Authority to live up to their commitment to respect human rights and fundamental freedoms which were universal and constituted the foundation for all sustainable and peaceful democratic systems. Both parties had legitimate security concerns, but they must be addressed with respect for human rights and within the rule of law. The Union reaffirmed its position that the Fourth Geneva Convention was fully applicable to the Palestinian occupied territories including East Jerusalem, and constituted binding international humanitarian law.

63. The Union welcomed the fact that the United Nations High Commissioner for Human Rights had visited the region. It shared the concerns expressed in her balanced report, which it had duly taken into account. It also welcomed the report of the Special Rapporteur, although it continued to believe that his mandate should be brought into line with the other special mechanisms created by the Commission, notably to make it subject to regular renewal. The failure of the Israeli Government to cooperate with the Special Rapporteur and the other relevant thematic rapporteurs was regrettable.

64. The Union condemned the disproportionate recourse to force and urged Israel to ensure that its security forces observed international standards regarding the use of force. It deplored the practice of extrajudicial killings of certain Palestinians by the Israeli security forces. Such killings were not only illegal but also damaging for the relationship between the parties. The Israeli authorities should immediately halt the practice.

65. Closures of and within the Palestinian territories had had a detrimental effect on the lives of many Palestinians in Gaza and the West Bank, including East Jerusalem, disrupting basic public services and infringing their right to freedom of movement and access to holy places. In some instances the closure had led to the loss of life. The Israeli Government should put an immediate end to the practice. Not only were collective punishments prohibited under

international law, but the closures contributed to the unrest and violence prevailing in the area. They had also seriously hampered humanitarian aid workers providing assistance to the Palestinian people. It was the duty of the Israeli Government to safeguard the food and medical supplies of the population.

66. The economic, social and administrative effects of the closures had also been serious, undermining an already fragile economy. All economic indicators had sharply decreased, reducing the Palestinian economy by half. Unemployment had risen and a third of the Palestinian population was currently living below the poverty line. The situation jeopardized the international community's efforts to guarantee the viability of the Palestinian Authority and the future Palestinian State. The Authority would shortly not be able to pay its salaries, which might cause the collapse of key Palestinian institutions and lead to chaos and anarchy. Israel should immediately cease withholding revenue payments due to the Authority.

67. The Union was deeply troubled by the negative impact of the confrontations on children, who had suffered death, injuries and long-term psychological damage, in addition to the general consequences of the closures. All parties should ensure that children had access to health care and education. The Union was also troubled by what appeared to be a discrepancy in Israeli case law, and by incidents of the discriminatory application of laws. All democratic legal systems should adhere to the fundamental principle of the equality of all before the law. The Israeli Government should repeal all discriminatory laws and ensure the equal and non-discriminatory enforcement of the law by the Israeli administration and courts.

68. The Union continued strongly to oppose Israeli settlement activities in the occupied territories, including the construction of new settlements, the expansion of existing ones, the expropriation of land, the biased administration of water resources, the construction of roads and house demolitions, all of which violated human rights and international humanitarian law. The Israeli security forces should ensure the protection of the population and should prosecute acts of violence committed by Israeli settlers.

69. The release of persons kept under so-called administrative detention the previous year had been welcome. However, the large number of people, including children, who had been detained over the past months, and the continued holding of some detainees without charge, gave cause for concern. The Union condemned the continued imprisonment of several Lebanese citizens who had been arrested in the then occupied area and transferred to Israel. That was a violation of the Fourth Geneva Convention. The International Committee of the Red Cross (ICRC) should be allowed to visit the two Lebanese citizens still being held without charge.

70. The human rights situation under the Palestinian Authority continued to be a matter of concern. There had been reports of torture and deaths in custody, impunity, detention without trial, the arbitrary arrest of political prisoners and the misuse of the State security courts. The Authority should combat such activities, bring those responsible to justice and ensure respect for the law. In that context, he drew attention to the training programme run by the Union since [illegible] to help the Authority develop its expertise in preventing and countering terrorist acts in a[illegible]ce with international law. The Union remained particularly concerned about executions following death sentences pronounced at summary trials with apparent disrespect for the human rights of the accused. It called on the Authority to reinstate a moratorium on the death penalty.

71. The Union was troubled by the Authority's practice of imprisoning without trial persons exercising their rights to freedom of expression and assembly, which were the foundation of any democratic political system. It urged the Authority to release all such detainees. Other important features of a viable democratic political system were good governance and free and fair elections. Institutions should be transparent and accountable and there should be an inclusive and consultative political process. The media also had a role to play in ensuring the accurate reporting of local events. The Union continued to be firmly committed to assisting the Palestinian Authority in strengthening public institutions in the service of democracy.

72. The Union also wanted to draw attention to the need to respect and safeguard the human rights of those living in the Syrian Golan Heights and expressed its support for a negotiated settlement between Israel and the Syrian Arab Republic.

73. Mr. FERNÁNDEZ PALACIOS (Cuba) said that there would be no peace and stability in the Middle East until there was an independent Palestinian State established on genuinely fair foundations, and with East Jerusalem as its capital. There would be no peace either until the United Nations assumed its direct and irreplaceable responsibility in accordance with the Charter and the will of the international community, and until hegemonisms and narrow domestic political objectives ceased to determine the course of the negotiations. There would also be no peace if Israel did not change its policy of colonial occupation and massive and systematic violations of the human rights of the Palestinian people and the people of the occupied Arab territories.

74. The situation of Palestine and the occupied Arab territories had become explosive since September 2000, and the human rights situation there was bleak. The civilian population felt itself to be under seige by a stronger Power which was willing to use all its force against children and young people throwing stones. The Israeli armed forces had not hesitated to smash the just rebellion of the Palestinian people with rubber bullets, real bullets and even rockets fired from armoured vehicles and helicopters. Such equipment had been developed and perfected thanks to the military and technological support of the United States of America, Israel's unconditional ally which acted as both judge and jury in the conflict. Indeed, it had, the previous day, used its undemocratic veto to make action within the Security Council impossible, thus guaranteeing Israel's impunity.

75. According to conservative United Nations figures, in the past six months alone, more than 310 Palestinians had been killed, including 84 children. Thousands more had been wounded, including more than 3,000 children. Moreover, the demolition of Palestinian homes had left more than 1,000 children without shelter, food or access to health care. Israeli forces had also destroyed more than 30 schools and forced the closure of another 40, and many thousands of schoolchildren in the occupied Arab territories were suffering from resultant post-traumatic disorders.

76. Despite suspicious delays in publication and a certain record of selectivity and manipulation, the Commission had amassed documentary evidence to corroborate the massive, systematic and flagrant violations of human rights by the Israeli authorities in the occupied

territories. The documents before the Commission testified to the continued refusal of the Israeli authorities to comply with United Nations resolutions, its international agreements and humanitarian law.

77. Aggressive settlement policies and other arbitrary measures, including the enforcement of closures, amounted to a "collective punishment" for the inhabitants of the occupied territories.

78. As in the past, his delegation would continue to support all resolutions submitted under the agenda item and endorsed by the Palestinian representatives.

79. Ms. DIALLO (Senegal) said that the item under discussion was one of the most preoccupying; the events of recent months lent it a special emotional charge. All present had an individual and collective responsibility to help find a lasting and just solution to the Palestinian question, which was at the heart of the conflict in the Middle East. In that connection, her delegation wished to pay tribute to the courage demonstrated by the High Commissioner in her visit to the area.

80. Since the Commission's previous session, serious, massive and systematic human rights violations in Palestine and the occupied territories had reached unprecedented levels as the international community looked on helplessly. Of particular concern was the excessive use of military force by the Israeli authorities, in violation of international humanitarian law, and the heavy civilian losses among the Palestinian population.

81. She was concerned about the thousands of children who were victims of oppression, terrorized by the occupying forces and deprived of their right to education. The complete closure of the occupied territories had plunged the Palestinian people into extreme poverty. Furthermore, non-military objectives - including housing and crops - had been destroyed, and revenue owed to the Palestinian Authority had been retained by the Israelis.

82. Her delegation recognized the right of the Israeli people to live in peace within internationally recognized borders but the security, prosperity and well-being of one group must not depend on the oppression and misery of another. A sustainable and just settlement solution in the interests of all the peoples of the region would depend on the cessation of settlement policies, an end to "collective punishments", the lifting of closures in the occupied territories and the creation of a free and independent Palestinian State. Violence only engendered more violence.

83. Mr. MOOSE (United States of America) said that the situation in the Middle East was a matter of the highest priority for his country's new Government. Recent developments in the region had created an extremely perilous situation and prospects for peace had dimmed dramatically under a seemingly unending cycle of violence. The people of his country had been profoundly shaken by the appalling consequences for Israelis and Palestinians alike. There was a serious risk that peace negotiations could become another casualty of the violence, destroying a decade of careful and patient efforts to build the confidence required for a just, lasting and comprehensive solution to the problem.

84. A report produced by his Government on the situation in the occupied territories provided an objective and balanced assessment of the human rights situation there. It was regrettable that the same could rarely be said of the deliberations of the Commission or its annual resolutions. His delegation did not dispute the right of the Commission to address legitimate concerns regarding the situation in any country. However, of all the countries in the world, only Israel was systematically assigned a separate agenda item. Selective treatment of human rights threatened the integrity not only of the Commission but of human rights themselves.

85. The continuing cycle of violence represented the greatest obstacle to a comprehensive and lasting peace in the Middle East, which could be achieved only through the efforts of the parties directly involved. The Commission must do nothing that might make their already daunting task more difficult.

86. Mr. ALLAFI (Libyan Arab Jamahiriya) said that human rights violations by Israel in the occupied Arab territories had brought about a humanitarian tragedy of the worst kind. A whole people had been driven from its land and scattered throughout the world, and those remaining under occupation were subjected to the worst forms of terrorism and genocide. Delegations who claimed that such crimes amounted merely to "acts of violence" were not supported by the facts. The Palestinians faced a long and vicious war of genocide which was designed to eliminate all that was Palestinian. The conspiracy to create a racist, Jewish State had been planned many years previously by the Zionist movement. His delegation wondered how the most advanced military technology - including aircraft, tanks and missiles - could be used against defenceless people who had merely stones as weapons.

87. The international community had condemned the occupation and confirmed the right to self-determination of the Palestinian people, yet it had not managed to provide them with the international protection they needed. That called the effectiveness of the United Nations into question. Every day, the Israeli Government flouted the Organization's purposes and principles, scorned the will of the international community and derided its resolutions.

88. Israel's actions would have been impossible without the unlimited material and political support of the United States. The previous night in the Security Council, the United States had challenged international consensus by vetoing a draft resolution which had met with the agreement of all the other members. In so doing, it had blatantly aligned itself with the aggressor. Given that the instrument in question would have guaranteed a minimum level of protection to the Palestinians, such a state of affairs called into question the credibility of an Organization which purported to represent the human conscience. How could the United Nations remain silent when the killing and torture of Palestinians occurred daily? Even their olive trees - the very symbol of peace - had been uprooted by Israeli forces. A more effective mechanism was needed if human rights in the occupied Arab territories were to be truly promoted.

89. His delegation welcomed the report of the High Commissioner for Human Rights on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114) which detailed Israeli violations, including the crime of genocide, and shed light on one of the worst humanitarian disasters of modern times. Those supporting the occupation should reconsider or

they would bear historic responsibility for the tragedy of the Palestinian people. The Libyan people, for their part, would continue to support the Palestinians until their land was liberated and they had achieved their legitimate goals.

90. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right of reply, said that the observer for Israel was merely attempting to defend the terrible mistakes committed by the State he was forced to represent. In speaking of the events of 48 hours which the Israelis had suffered, the observer had seemingly forgotten the 48 years of suffering by the Palestinians. In requesting the Commission to be sympathetic to Israel, a country which occupied other territories by force, committed serious violations of international law and perpetrated crimes on a daily basis, the observer for Israel expected the Commission to extend sympathy both to the victims and to their butcher.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Statements in exercise of the right of reply

91. Mr. GAZIOGLU (Observer for Turkey) said that he wished to respond to the flagrant misrepresentations and unfounded allegations put forward by the representative of the Greek Cypriot administration. Turkey's presence in Cyprus was not a matter of "occupation" or "invasion", but of a legal obligation under international agreements to keep the peace, pending a resolution of the question.

92. As to the question of missing persons, it was no secret that the policy of the Greek Cypriot administration had been one of total insincerity aimed at preventing the Committee on Missing Persons in Cyprus from fulfilling its mandate.

93. With regard to the allegation concerning the demographic alteration of the island, it had been the Greek Cypriots who had introduced thousands of Greek settlers and who had attempted to cleanse Cyprus of its ethnic Turkish population between 1963 and 1974.

94. The comments of the representative of the Greek Cypriot administration concerning the revised report of the Secretary-General (E/CN.4/2001/31*) were most surprising, especially given that it had somehow managed to convince an unusually submissive Secretariat to make substantive changes to a report after it had been issued and then to justify them on technical grounds.

95. Ms. WILLIAMS (Observer for Cyprus) said that the very fact that she had been given the floor to speak on behalf of Cyprus was a sufficient response to the untenable allegations made by the observer for Turkey, which would be fully refuted under the relevant agenda item. The statement made by the Permanent Secretary in the Ministry of Foreign Affairs of Cyprus was based on well-documented material, including relevant Security Council resolutions and decisions of the most prestigious human rights mechanisms in the world, such as the European Court of Human Rights.

96. Mr. GAZIOGLU (Observer for Turkey) said that the issue was being falsely presented as a violation of the rights of Greek Cypriots. The question of Cyprus must be resolved by the two parties within the framework of an overall settlement. The Greek Cypriot side continued to exploit the question in an attempt to conceal its own responsibility for perpetuating it. It was precisely the refusal by Greek Cypriots to recognize the status of Turkish Cypriots and share power with them that had long stood in the way of a negotiated settlement. There were two distinct populations on the island, each with their own language, culture and religion, hence the existence of two separate sovereign States.

97. Ms. WILLIAMS (Observer for Cyprus) said that such allegations might have been more credible if the Turkish observer had been able to cite even one case in which Turkish actions had been vindicated by an international human rights body. The international community knew what conclusions to draw from the Government of Turkey's well-known aversion to independent tribunals.

The meeting rose at 6.10 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 March 2001, at 6 p.m.

Chairperson: Mr. DESPOUY (Argentina)
later: Mr. DE MENDONÇA E MOURA (Portugal)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (continued)

* The summary record of the second part (closed) of the meeting appears as document E/CN.4/2001/SR.20/Add.1.

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The meeting was called to order at 6.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2001/3, 7, 27 to 30, 108 to 114, 118, 121, 130, 133, 136 and 142; E/CN.4/2001/NGO/7, 18, 53, 74, 118 and 149; E/2000/112-E/CN.4/S-5/5 and Add.1, E/CN.4/S-5/3)

1. Mr. WISNUMURTI (Indonesia), after referring to the decisions taken by the Commission at its Fifth Special Session devoted to the situation in the occupied Palestinian territories, expressed his delegation's gratitude to the High Commissioner for Human Rights for the visit she had made to those territories from 8 to 16 November 2000. His delegation endorsed the High Commissioner's conclusions and recommendations. In particular it agreed with her on the need to establish an international monitoring presence in the region, and also to reconvene the meeting of the High Contracting Parties to the 1949 Fourth Geneva Convention, so as to establish an international mechanism to take the urgent measures needed.

2. His delegation noted with regret that of the eight human rights special mechanisms mandated by the Fifth Special Session to carry out missions in the territories, only four had expressed an interest in visiting the region. His delegation urged all the special mechanisms to respond to the Commission's request.

3. It was now incumbent on the Commission to analyse the follow-up to the recommendations made, and, in particular, to determine what actions should be taken to protect the rights of all Palestinians in the occupied territories. The situation in those territories remained a source of grave concern. The occupying Power must abide by its obligations under the Fourth Geneva Convention and the international community must ensure full compliance by Israel with the provisions of that Convention. Until such time as the foreign occupation had been brought to an end, only respect for the provisions of the Convention would ensure that the situation in the territories returned to some form of normality.

4. There was no alternative other than for Israel to pursue the peace negotiations in earnest, on the understanding that the realization of the right of the Palestinian people to self-determination included the right to establish its own State.

5. Mr. SEYDOU (Niger) said that his country's concern to see a return to peace in the Middle East had led it, in October 2000, to become a sponsor of what was now resolution S-5/1 adopted by the Fifth Special Session of the Commission. Pursuant to that resolution, the High Commissioner for Human Rights had paid a historic visit to the occupied territories, a visit she had herself described as "difficult". Since then, the situation in the Palestinian territories had not improved, in spite of the presence, as Minister for Foreign Affairs, of Mr. Shimon Peres, who in the past had greatly contributed to the success of the Oslo negotiations. Israeli defence forces continued to have excessive recourse to force and the Israeli Government had sealed off extensive Palestinian areas.

6. It was high time that the Palestinians were able to live in peace within secure and recognized boundaries, something that would not be possible until Israel finally made up its mind to implement Security Council resolutions 242 (1967) and 338 (1973). As the High Commissioner had stressed, Israel must also accord equal treatment to Israeli Arabs, who were currently victims of discrimination.

7. In its response to the report of the High Commissioner (E/CN.4/2001/114), Israel asserted that it was merely reacting to attacks on its citizens. Yet those attacks were the result of the frustration felt by Palestinians at the denial of their fundamental right, the right to live in freedom. No people in the world could be expected to live in eternal subjection without rebelling. That was the explanation for the revolt by young Palestinians. After 54 years of the Palestinian tragedy, little remained to be said or written about the situation in the Middle East. If Israel eliminated the causes of the Palestinians' profound frustration, peace would prevail in the region.

8. Mr. de Mendonça e Moura (Portugal) took the Chair.

9. Ms. GERVAIS-VIDRICAIRE (Canada) said that the tragic events of the past few days had once again demonstrated the fragility of the peace process in the Middle East. Canada held the Israelis and Palestinians jointly responsible for ending the violence, and saw negotiations as the only viable path to a comprehensive and just peace. Canada would continue to work towards that goal, together with local non-governmental organizations (NGOs) that shared those principles.

10. It was Canada's view that persisting human rights problems for Palestinians over the past year were principally due to the continuing Israeli occupation of large areas of the West Bank, Gaza and East Jerusalem, and to failures of governance by the Palestinian Authority. Canada continued to have strong concerns over Israeli settlement activities in the occupied territories, land confiscation, destruction of farmland and other violations by Israel of the Fourth Geneva Convention. The most troubling aspect of the crisis was the large numbers of civilians, notably children, killed and injured. The disproportionate use of force by Israel included the use of live ammunition by Israeli troops against youths throwing stones. The sealing off of the territories had resulted in increased economic and social hardship for Palestinians, particularly affecting health. Israel should ease the closure policy and transfer to the Palestinian Authority the tax revenues it was owed. While denouncing terrorism, Canada believed that the attacks by Israeli security forces on individuals suspected of terrorist activities were unlawful.

11. The conduct of the Palestinian Authority also remained a matter of concern, particularly with regard to arbitrary arrests and, most of all, its failure to restrict the involvement of children in potentially dangerous situations. Canada urged the Palestinian Authority to ensure that educational materials in schools in the West Bank and Gaza contained no incitement to engage in hostilities, and also to prevent the media from encouraging violence.

12. Canada had reviewed the report of the High Commissioner for Human Rights on her visit to the region and the report of the Human Rights Inquiry Commission. While it could agree with many of the conclusions of the reports, particularly that the construction of new settlements should cease and that Israel should work to remove existing settlements, it also believed that the

international community must encourage cooperation between Israel and the Palestinian Authority before undertaking large-scale initiatives such as the establishment of an international monitoring force.

13. Canada had supported the formation of the Mitchell Committee, the international fact-finding committee agreed to by both parties at Sharm el Sheikh in October 2000. It called on Israel and the Palestinians to allow the committee to carry out its functions.

14. Mr. ATTAR (Saudi Arabia) said that his country strongly condemned the bloodbath unleashed by Israeli forces of aggression in the occupied Palestinian territories. There was no need to describe those tragic scenes, which had been fully covered by the media. Suffice it to say that the sealing off of the territories, demolition of homes, uprooting of trees and murders of civilians were flagrant violations of international law.

15. Notwithstanding the determination of the Commission, expressed in the resolution adopted at the Fifth Special Session devoted to Palestine, Saudi Arabia found it difficult to understand the obstinacy with which certain States refused to condemn Israel or to take steps to halt those tragic events. It was alarming to note that those same States that proclaimed themselves to be defenders of humans rights throughout the world were still turning a blind eye to the massacres of Palestinians, against whom all types of weaponry without exception were being used.

16. Saudi Arabia called upon the Commission to adopt an objective, equitable and transparent approach to that situation. The policy of double standards must be put aside once and for all.

17. Despite Israel's arrogant refusal to cooperate with the persons expressly mandated by the Commission, the reports submitted to the Commission by the High Commissioner, on her visit to Palestine, by Mr. Giacomelli, the Special Rapporteur, and by the Inquiry Commission clearly illustrated the nature of its violations.

18. Measures must be taken forthwith to protect the Palestinian population, hundreds of whom had already been killed and thousands wounded, including a very high percentage of children. The Commission must call upon Israel immediately to halt its military operations in the occupied territories, end the assassinations of defenceless Palestinians, lift the blockade of the territories, comply with the resolutions of the Security Council and the General Assembly designed to safeguard the fundamental rights of the Palestinian people, including the right to an independent State, and remove all the settlements established in the territories since 1967, including those in Jerusalem, where Israel was endeavouring to construct new settlements in open defiance of the Fourth Geneva Convention of 1949.

19. Israel should realize that the dismantling of those settlements would help facilitate the quest for a lasting peace in the Middle East. It must halt its attempts to alter the demographic composition of the Holy City of Jerusalem and to encroach on Islamic holy places. It must realize that any attempt to violate the sanctity of those ancient sites would have disastrous consequences not only for the Palestinians but for the entire Islamic world.

20. Saudi Arabia called upon the Security Council and its permanent members, particularly the United States of America, to assume their responsibilities by taking measures under Chapter VII of the Charter of the United Nations.

21. Saudi Arabia assured the Palestinian people of its solidarity. It called upon the Commission on Human Rights to take all requisite steps to encourage the resumption of negotiations in the context of the peace process.

22. Mr. DEMBRI (Algeria) noted with appreciation the presence at the Commission's 20th meeting of the three members of the Human Rights Inquiry Commission, Professor John Dugard (South Africa), Professor Richard Falk (United States of America) and Dr. Kamal Hossain (Bangladesh), three great representatives of the contemporary world's moral conscience. Professor Dugard had appealed to the European Union to draw on its members' great historical tradition of mediation. In that regard, he paid tribute to Mr. Molander for his admirable statement made on behalf of the European Union. In that statement, he had reaffirmed the historical principle of "land for peace", a principle already affirmed at Madrid and Oslo, which thus reflected a common will to consider ways of definitively restoring the legitimate rights of the Palestinian people. It was time to overturn the old order and to proclaim that the Palestinian people at last enjoyed the legitimate right to live within the secure and recognized boundaries of its own established State.

23. Compassion must be extended to the innocent victims, and in that connection his delegation expressed surprise that one Special Rapporteur and the Chairman of a Working Group had not yet responded to the Commission's request to investigate the situation in the Palestinian territories.

24. It was no longer possible to turn a blind eye to the tragedy of the Palestinian people, who, as could be seen every day on the world's television screens, were the victims of a massive collective punishment. The report of the High Commissioner, on her visit to the occupied Palestinian territories, and the report of the Human Rights Inquiry Commission also painted an apocalyptic picture of the situation. Indeed, the High Commissioner had referred to the "terrible cost in terms of human lives". The task now was to make every effort to protect a people in danger of annihilation.

25. The two reports reaffirmed the obligation to ensure compliance, in the occupied Palestinian territories, with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. In that regard, his delegation supported the request addressed to the Government of Switzerland, as depositary of the Convention, to reconvene the Conference of High Contracting Parties to the Convention, a request supported by 70 countries.

26. By pursuing its policy of illegal establishment of settlements in the Palestinian territories, which it was transforming into bantustans, Israel was relentlessly gnawing away at the territories, and had no intention of allowing the Palestinian people to exercise its right to self-determination. It was for the international community to take steps to force Israel to return to the negotiating table with the Palestinian Authority, as it had done at the time of the Oslo Accords, for there

could be no peace in the region until the Palestinian people had recovered each and every one of its rights. Southern Lebanon and the occupied Syrian Golan were in similar situations. Their populations were subjected to the same violations and, there too, the same logic of peace must prevail. It was also time to settle the problem of the occupation of the Shebaa farms.

27. Mr. BJØRNDAL (Norway) said that his country was deeply concerned at the continuing violence in the Middle East, and particularly at the use of excessive force, which had claimed many innocent victims, as well as the extrajudicial executions carried out by Israel and the Palestinian Authority. Norway called on the Palestinian Authority to do its utmost to put an end to attacks against Israeli civilians.

28. A number of reports made available to the Commission, including those by NGOs such as B'Tselem and Amnesty International, described how the confrontations between Palestinians and Israelis had not only undermined the peace process but had also caused severe damage to the Palestinian economy. Norway believed, in particular, that the sealing off of the Palestinian territories should be halted immediately. It also urged Israel to transfer to the Palestinian Authority the tax revenues due to it, as the non-payment of those funds prevented it from delivering essential public services, thereby ultimately harming Israel's own interests. In February 2001, Norway had granted US$ 10 million to the Palestinian Authority, to help it overcome its budget difficulties.

29. Israel had a duty to respect international humanitarian law, as set forth in the Fourth Geneva Convention, in all the territories occupied in June 1967, including East Jerusalem. Norway also called on Israel to end the construction of new settlements and the expansion of existing settlements, a policy that was in breach of the Fourth Geneva Convention. Lastly, it called on the two parties to resume negotiations on the basis of Security Council resolutions 242 (1967) and 338 (1973), and on the basis of other relevant United Nations resolutions and the Oslo Accords. Like the High Commissioner, Norway was convinced that lasting peace in the Middle East could be achieved only through negotiations and full respect for human rights and humanitarian law.

30. Ms. HUSSAIN (Malaysia), speaking on behalf of the Organization of the Islamic Conference (OIC), said that the report of the Human Rights Inquiry Commission (E/CN.4/2001/121) reflected the gravity of the situation in the occupied Palestinian territories. OIC also welcomed the report of the High Commissioner on her visit to the territories, and the report of the Special Rapporteur, Mr. Giacomelli, both of which contained recommendations that should be implemented forthwith. OIC regretted, however, that some of the Commission's special mechanisms had failed to fulfil their mandate, in violation of a resolution of the Commission, not only by failing to request a visit to the occupied Palestinian territories, but by omitting even to submit information received from various sources. OIC intended to pursue that matter. Israel, for its part, by refusing to cooperate with the members of the Inquiry Commission, had demonstrated the contempt in which it held the Commission on Human Rights.

31. Her delegation had singled out various salient points in the report of the Inquiry Commission: excessive use of force by the Israeli Defence Force; extrajudicial executions and political assassinations, whose perpetrators ought to be brought to justice, as were the

perpetrators of such abuses elsewhere in the world; the expansion of Israeli settlements, in a policy reminiscent of colonialism; and denial of the economic and social rights of the Palestinian people, resulting from closures, curfews, restrictions on movement and destruction of property. Lastly, OIC saw the practice of collective punishments as a crime of genocide within the meaning of article II, subparagraph (c) of the Convention on the Prevention and Punishment of the Crime of Genocide. Those violations undeniably stemmed from one root cause, namely, the denial of the right of the Palestinians to self-determination, a right set forth in the Charter of the United Nations, in the International Covenants on human rights, and in the relevant United Nations resolutions.

32. Like the Inquiry Commission, OIC considered that Israel was bound to respect not only the Fourth Geneva Convention but also the 1979 Code of Conduct for Law Enforcement Officials and the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

33. The continuing deterioration in the situation in the occupied Palestinian territories was an indication of the powerlessness of the international community to deal with the question. OIC urged the Commission to endorse the requests made to the Security Council to adopt mechanisms envisaged under Chapter VII of the Charter so as to protect the Palestinian population.

34. Mr. WANG Shijie (China) said that the previous year the peace process begun in Madrid in 1991 had registered some significant progress, witnessed by Israel's withdrawal of its troops from southern Lebanon and the start of the final status negotiations. Those were important elements in the restoration of the legitimate rights of the Palestinian people and the achievement of a lasting peace in the Middle East. Unfortunately, the eruption of violence between Israelis and Palestinians in September 2000 had severely compromised that process.

35. In October 2000, the Commission on Human Rights had convened a Special Session which had strongly condemned the disproportionate use of force in the occupied Palestinian territories and had called upon the international community to take the necessary steps to put an end to the grave violations of the human rights of the Palestinian people. However, those violations continued, and the situation was all the more disturbing in that it not only endangered the peace process between Palestinians and Israelis but also posed a threat to peace and security in the region.

36. The decades-long sufferings of the Palestinian people, destitute and deprived of its rights, cast a shadow over the dawn of the twenty-first century. The international community, including the Commission, must seek solutions to the Middle East conflict, in accordance with the purposes and principles of the Charter of the United Nations and the relevant resolutions of the General Assembly, the Security Council and the Commission.

37. In China's view, the international community, and especially the Commission, must urge certain countries to end their policy of double standards and to adopt effective measures conducive to a lasting settlement in the Middle East, for only through progress with the peace process could security be safeguarded, guaranteeing the Palestinians the full enjoyment of their fundamental rights, including the right to self-determination.

38. As a permanent member of the Security Council, China had always supported the Palestinian people in its struggle to restore its legitimate rights, and had always considered that the principle of "land for peace" should provide the basis for peace talks on the Middle East.

39. Because of the exercise of its veto by one State, the Security Council had not been able to adopt a resolution dispatching a monitoring force to the occupied Palestinian territories. That was extremely regrettable, for the international community had an obligation to help the parties to the conflict to overcome the obstacles to the achievement of peace.

40. Mr. SITNIKOV (Russian Federation) said that since the eruption of the latest wave of violence in the Middle East, his country had spared no efforts to restore the dialogue between the parties to the conflict. The President of the Russian Federation, Mr. Putin, and the Russian Minister for Foreign Affairs, Mr. Ivanov, had worked to achieve that aim.

41. Unfortunately, the situation in the territories was worsening, because Israel, using war tactics, was attempting to isolate the West Bank and Gaza. Furthermore, the blockade was having disastrous effects on the already very difficult humanitarian situation in the occupied Arab territories, and was causing new sufferings for the population, especially refugees. There was a vicious cycle of provocation followed by reprisals resulting in new victims, as could be seen in the latest incidents in Hebron and Jerusalem.

42. As a sponsor of the peace process in the Middle East, the Russian Federation had studied with great interest the report of the High Commissioner on her visit to Israel, Egypt and Jordan, and also the report of the Human Rights Inquiry Commission, the conclusions of which it fully endorsed. Those reports rightly condemned the disproportionate use of force, the destruction of Palestinian property, the establishment of settlements in the Palestinian territories, the restrictions on freedom of movement, the economic blockade and the measures to obstruct humanitarian aid. However, the reports also referred to legitimate Israeli concerns regarding security and anti-Jewish propaganda broadcast on Palestinian television and radio.

43. It was essential to resume the peace negotiations in order to break the vicious cycle of violence. It was vitally important to end the economic blockade and the sealing off of the Palestinian territories. Accordingly, his delegation appealed to both parties to show wisdom and moderation. More than ever before, a spirit of compromise was called for. The two parties must establish contacts at high level, on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the Madrid principles, so as to secure a return to normality in the region.

44. Mr. AL-THANI (Qatar) paid tribute to the High Commissioner for Human Rights for her report on the situation in the occupied Arab territories. The High Commissioner had had the courage to let the facts speak for themselves, in spite of attempts by Zionists to cast doubt on her mission.

45. His delegation could not but express concern at the violations of human rights committed by Israel in the territories it occupied. The Israeli practices flagrantly violated the principles of international humanitarian law and human rights. The continued policy of constructing settlements was also a breach of international law. In that regard, he paid tribute to Mr. Giacomelli, the Special Rapporteur, who had roundly condemned Israel's violations of the

Fourth Geneva Convention of 1949. Accordingly, his delegation called upon the High Contracting Parties to the Convention to reconvene with a view to reaffirming the applicability of the Convention to the occupied Palestinian territories and to demand compliance with the Convention in those territories.

46. The Commission on Human Rights must firmly condemn the acts committed by the Israeli Defence Force in Palestine and in the occupied Syrian Golan. It must also affirm that peace in the Middle East required Israel's withdrawal from all the territories it had occupied since 1967, as well as implementation of all the resolutions on the question adopted by the General Assembly, the Security Council and the Commission on Human Rights.

47. Ms. JAMIL (Pakistan) said that her delegation fully endorsed the statement made on behalf of the Organization of the Islamic Conference by the representative of Malaysia. She expressed her gratitude to the High Commissioner for Human Rights and to the members of the Inquiry Commission for their important reports on the situation of human rights in the occupied Palestinian territories. Her delegation fully endorsed the conclusions of the Inquiry Commission concerning the occupation to which the Palestinian people remained subjected, and the humiliating presence of Jewish colonies on the West Bank and in Gaza. Her delegation shared the view of the Inquiry Commission that the United Nations Conciliation Commission for Palestine had been incapable of carrying out its functions because of the obstacles of every kind it had encountered from its inception. Pakistan believed that the United Nations must assume an active role in bringing the conflict to an end, and that Palestinian civilians were in urgent need of international protection. The parties must resume the dialogue in good faith with a view to establishing a lasting peace

48. Mr. AL-NIMA (Observer for Iraq) said that at a time when the struggle of the third world countries against colonialism and for independence was being commemorated, the international community was witnessing the most terrible form of that colonialism, namely, the Zionist occupation of Palestine and other Arab territories. That occupation was accompanied by acts of discrimination and murders. Israel showed open contempt for all the resolutions of the international community guaranteeing the Palestinians the right to self-determination. That criminal policy of the Zionist entity could not endure without the unconditional support accorded to Israel by the United States of America, which nevertheless claimed to be the defender of international law. The previous day's events in the Security Council offered further proof that that was so.

49. The Zionist occupation of the Palestinian and Arab lands constituted flagrant aggression and a denial of all human rights. Thus, to invoke respect for human rights in those territories without demanding an end to the occupation was to ignore the root cause of the violations of the Palestinian people's human rights. A policy of double standards was applied in treating the question of the human rights of the Palestinian and Iraqi peoples. That policy once again showed that the issue of human rights was politicized by certain Powers, instead of being regarded as a noble cause par excellence.

50. It was vital that the Commission should adopt a resolution calling for an end to the Zionist occupation. The United Nations must send an international force to protect the Palestinians. An international criminal court must also be set up, in order to try the leaders of the

Zionist entity for crimes committed against defenceless Palestinians. An international conference of the High Contracting Parties to the Fourth Geneva Convention should also be convened as a matter of urgency, to oblige the occupying Power, the Zionist State, to apply the provisions of the Convention in the Arab territories. In that connection, it should be noted that the Supreme Court of Israel had taken the unprecedented decision of authorizing the use of torture against Palestinians.

51. In concluding, his delegation reaffirmed the right of the Palestinians to self-determination and the right of the Palestinian refugees to return to their homeland.

52. Mr. AL-BADER (Observer for Kuwait) said that the resolution adopted by the Commission at its Special Session on Palestine marked an important development. Thanks to the reports submitted to it, the Commission now had all the evidence it needed to assess the seriousness of the deterioration of the situation in the occupied Arab territories and to establish Israel's responsibility in that regard. The Commission must thus assume its own responsibilities in accordance with the Charter and resolutions of the United Nations. It must require Israel to end violations of human rights and breaches of international humanitarian law in Palestine and in the occupied Arab territories. Effective measures must also be taken to protect the population subjected to occupation. Security Council resolutions 242 (1967) and 338 (1973) must be fully implemented, as must the "land for peace" principle. The right of the Palestinians to an independent State with Jerusalem as its capital must be recognized. The occupation of the Golan must also end, with the withdrawal of Israel to the 1967 demarcation line. Lastly, Israel must withdraw from all the territories of southern Lebanon and free all Lebanese prisoners, as required by the Security Council resolutions.

53. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that the occupation of Palestine and of the other Arab territories, which had lasted more than half a century, was itself a serious violation of the human rights of the population of those territories, and also the chief obstacle to Palestinian self-determination. In spite of condemnation by the international community, the most recent expression of which was resolution S-5/1 of 19 October 2000, not only had violations of the human rights of the Palestinians not ceased, but they were taking on increasingly inhuman forms. The excessive use of force by the Zionists since September 2000 had resulted in the deaths of more than 400 Palestinians, many of them women and children. According to the report of the Inquiry Commission, 84 Palestinian children under the age of 17 had been killed, and some 5,000 injured. Those frightening figures meant that more than 27 per cent of the Palestinians killed over the past six months had been children or adolescents. Thus, all the international instruments, whether the Charter, the Universal Declaration of Human Rights, the Convention on the Rights of the Child or the Fourth Geneva Convention, were constantly violated by Israel. Israel's aggressive and expansionist policies were the chief obstacle preventing the Palestinians from exercising their legitimate and inalienable right to self-determination. The situation of the Holy City of Al-Quds, whose character and demographic composition Israel was trying to alter, was also a matter of grave concern. It was for the international community, particularly the United Nations and its relevant bodies, to step up its efforts to put an end to the crimes committed by the Zionist forces in Palestine and in the other occupied territories. The international community in general and the

Islamic world in particular must join forces to end the Israeli occupation and bring about the restoration of the rights of the Palestinian people, including the return of all Palestinian refugees to their homeland, the full exercise of the right to self-determination and the establishment of a Palestinian State.

54. Mr. AIDEED (Observer for Oman) congratulated the High Commissioner for Human Rights on her distinguished role in the defence of human rights. His delegation regretted her decision not to seek a second term of office, and wished her every success in her future activities.

55. There had been a resurgence of violations of human rights in the occupied Arab territories, reflected in the inhuman treatment of Palestinian civilians by the occupying forces. Israel's racist practices flagrantly contravened the resolutions of the international community and were contrary to the universally accepted values and principles of human rights.

56. His delegation had noted with deep concern the report of the High Commissioner for Human Rights, which provided confirmation of the treatment of Palestinian civilians by the Israeli Defence Force, treatment intended to deprive them of their dignity and humanity.

57. His delegation was convinced that there could be no lasting peace in the Middle East unless Israel respected international human rights standards and international humanitarian law and complied with the resolutions adopted by the United Nations over the past 50 years. The Sultanate of Oman supported the Palestinian people in its struggle to achieve the restoration of its rights. It called for the adoption of measures to protect the Palestinians and end the occupation of their territory, and it urged the international community to seek every means of securing them just treatment.

58. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said that the reports of the High Commissioner for Human Rights, the Special Rapporteur, Mr. Giacomelli, and the Human Rights Inquiry Commission eloquently confirmed the tragic situation of the Palestinian population. It was thus not surprising that most of the speakers in the Special Debate had cited passages from those documents, whose authors he wished to thank.

59. The speakers had also stressed the need to ensure compliance in the Israeli-occupied territories with all the provisions of international human rights instruments. His delegation wished to stress that despite the provisions of the Oslo Accords, which specified that no steps must be taken to alter the status quo in the region, the Israeli authorities unlawfully pursued an irresponsible policy of occupation and colonization. Mr. Giacomelli's report was extremely eloquent in that regard. Hence the urgent need for a definitive halt to Israel's policy of land confiscation, demolition of Palestinian homes and construction of settlements. The maintenance of that policy was one of the root causes of the current crisis and destroyed any prospect of a restoration of the process aimed at achieving a just and lasting peace in the region.

60. The dramatic situation of the Palestinian population called for an appropriate response by the international community, perhaps in the form of an international presence, as suggested in paragraph 114 of the report of the Inquiry Commission.

61. The peace process had currently reached a critical stage, and efforts to relaunch it would come to nothing unless the inalienable rights of the Palestinian people were recognized. Peace was an irreversible choice that called for mobilization of the energies of all concerned. It was also an ambition to which the peoples of the region legitimately aspired. In that regard, he drew attention to the appeal made in August 2000 by King Mohammed VI, who had reaffirmed that peace called for political courage, firm will and the possibility for the Palestinians to recover their rights, including the establishment of an independent State with Al-Quds al-Sharif as its capital. His delegation hoped that hatred and violence would give way to real dialogue and tolerance, so that the Palestinian people could at last live in dignity and respect for its rights.

62. Mr. LEMINE (Observer for Mauritania) said that the general condemnation of the serious violations of the human rights of the defenceless Palestinian population, reflected in the broad support for the convening of a Special Session of the Commission, on a proposal by the Arab group, had not had the expected effect. On the contrary, the reports submitted portrayed a continuing deterioration in the situation. Hence the need for measures to protect the Palestinian population, in accordance with the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. For the international community, that was not just a moral duty but also a legal and political obligation towards a martyred people that had for several decades been deprived of its essential rights, despite the adoption of countless United Nations resolutions. Implementation of those reservations would lead to a comprehensive, just and lasting settlement of the Israeli-Arab conflict. Negotiation remained the best way of achieving such a settlement. It would require implementation of the "land for peace" principle, in other words, Israel's withdrawal from all the Arab territories occupied in 1967, including the Syrian Golan, and the restoration to the Palestinian people of its legitimate national rights, including the right to establish a Palestinian State with the Holy City of Al-Quds as its capital. What was required was simply respect for international law and the fundamental principles set forth in the Charter of the United Nations, including the right of peoples to self-determination and the unacceptability of acquisition of territory by force.

63. Mr. Despouy (Argentina) resumed the Chair.

64. Mr. NORDMANN (Observer for Switzerland) reaffirmed his country's position with respect to the worsening Middle East crisis. Switzerland urged all the parties and the international community not to abandon efforts to achieve peace, and called for humanitarian workers to be permitted to carry out their missions. Switzerland also made a solemn call for respect for the rule of law.

65. Without wishing to reiterate yet again a catalogue of the violations committed, Switzerland drew attention to the fact that the Fourth Geneva Convention was applicable in all the Israeli-occupied territories. Respect for the law, whether the principles of the rule of law, international humanitarian law or human rights, was not negotiable. Israeli had a particular responsibility in the current context. In that connection, the repeated and arbitrary practice of extrajudicial executions was to be firmly condemned.

66. That being said, the current crisis in no way justified any leniency towards attacks on civilians, whether Palestinians or Jewish settlers. The Palestinian Authority had the means to make its own contribution to preventing violence, and the absence of its own fully equitable

judicial procedures might equally lead to arbitrary executions. All the parties must make it their responsibility to ensure that the distinction was observed between civilians, on the one hand, and armed forces on the other, including armed civilians and the recent disturbing phenomenon of armed settler militias.

67. Nevertheless, many of the problems were entirely the responsibility of the occupying Power. Those problems included the disproportionate use of force, collective punishments and systematic blockades, which risked nullifying development cooperation efforts and even preventing humanitarian aid from reaching its recipients.

68. Another threat to peace was the violation of article 49 of the Fourth Geneva Convention through the maintenance of settlements that were sources of discrimination and segregation in vital areas such as access to water and personal security. The Palestinians paid a very heavy price for the maintenance of those settlements. It was a price paid in human lives or permanent invalidity for many of the wounded. Violations of fundamental rights could not serve as the instrument for a responsible policy. Security would result from peace, and that peace was to be found in respect for the law, which was one of its constituent elements. Security must be security for all, Israelis and Palestinians alike, and security could never be guaranteed for the one party at the expense of that of the other party. Switzerland was convinced that, remaining within its domain, the Commission on Human Rights could contribute to that peace in the Middle East.

69. Mr. IBRAHIM (Observer for Lebanon) said that the occupation of the Arab territories by Israel, including the Syrian Golan and the Shebaa farms in southern Lebanon, was all the more intolerable in that it entailed the displacement of the population and their replacement by Israeli settlers. That was a flagrant violation of the Fourth Geneva Convention.

70. The various reports prepared pursuant to the resolution adopted by the Commission at its October 2000 Special Session condemned Israel's violations of human rights. The facts set forth in those reports came as no surprise to the Lebanese delegation; for it must not be forgotten that in southern Lebanon Israel had established a veritable concentration camp in which the worst atrocities had been perpetrated, and that the Supreme Court of Israel had legalized the torture of Arab prisoners. Israel was currently holding another 19 Lebanese detainees who had still not been brought to trial.

71. Israel's acts of violence in the occupied Arab territories knew no bounds. The entire Palestinian people was the victim of aggression in which every form of sophisticated weaponry was used. The root of the problem in the Middle East was the occupation and Israel's refusal to withdraw from the territories on the basis of the Madrid agreements. Without the occupation there would have been no intifada, and without its violation of the right of the Palestinian people to self-determination, peace would reign in the region.

72. The Commission on Human Rights was the international body that must condemn Israel for its violations and require implementation of all the resolutions adopted by the international community concerning the occupied territories as a whole, including the Syrian Golan. Likewise, pursuant to Security Council resolution 425 (1978) Israel must withdraw completely from southern Lebanon, including the area in which the Shebaa farms were located.

73. Mr. AL-ATTAR (Observer for Yemen) commended the High Commissioner for her report on her visit to the occupied Palestinian territories, as well as the Special Rapporteur, Mr. Giacomelli, and the members of the Inquiry Commission. All those persons had spared no effort to throw light on the despicable practices of the Israeli Defence Force in the Palestinian territories and on the crimes that they committed daily.

74. It was now time to consider what could be done to put an end to the atrocities to which the Palestinians were subjected by the occupying Power. They knew that international law was supposed to protect them. Consequently, they did not understand why the international community was capable of taking measures and bringing the perpetrators of similar crimes to trial in other parts of the world, but remained powerless in the face of their own tragedy.

75. The international community must take steps to ensure that its decisions were implemented with equal effectiveness throughout the world, without prevarication and without any form of selectivity. Its powerlessness in the Middle East called its credibility in the field of human rights into question.

76. His delegation fully endorsed the recommendations made by the Inquiry Commission in its report (E/CN.4/2001/121), particularly with regard to the need to provide international protection for the civilian population in the Palestinian territories, in accordance with the Fourth Geneva Convention.

Statements made in exercise of the right of reply

77. Mr. LEVY (Observer for Israel) said that most of the statements heard under agenda item 8 had been noteworthy for their bias. Both peoples, Israelis and Palestinians, were suffering on account of the desire of the Palestinian Authority to pursue a course of violence rather than to continue the negotiations begun at Camp David in the summer of 2000.

78. The question raised by the High Commissioner for Human Rights was entirely to the point: when would it all end? In his view, it was not an accumulation of speeches, reports and inequitable resolutions that would bring about a settlement. To achieve that, a number of conditions must be fulfilled: President Arafat must appeal to the population to end the intifada. He must fight terrorism, as he had undertaken to do in 1993 in an exchange of letters with Mr. Rabin. The Palestinian Authority must keep children out of the conflict. Lastly, the rhetoric must change and the language of peace must replace the language of violence. Negotiations must resume on issues that were still controversial. Those were the terms under which Israel would ease its pressure on the territories.

79. Encouraging reciprocal and simultaneous efforts would be much more effective than unilateral measures, simply because advocates of the former were a majority in the international community. The latter attitude merely encouraged violence and offered the Palestinians no incentive to return to the negotiating table.

80. As for the accusation by Lebanon that the Israeli authorities had failed to communicate to them a letter indicating the location of mines in the south of the country, he announced that he

was in possession of an official document, submitted to the United Nations Interim Force in Lebanon (UNIFIL) on 1 June 2000, containing full information concerning the location of mines in that region.

81. Mr. RAMBLAWI (Observer for Palestine) said that he had just received a communication informing him that, at the very moment when the Commission was holding its current meeting, the Israeli Defence Force was bombarding the cities of Gaza and Ramallah, using war planes, heavy artillery and rockets. The Palestinian territories were thus facing pitiless aggression. Scores of Palestinian civilians were being gunned down by Israeli bullets. Furthermore, the members of the Human Rights Inquiry Commission, who had visited the area, had seen for themselves the extent of the damage caused by those attacks using heavy weaponry.

82. Every minute brought a new Palestinian martyr. The Israeli occupation in itself already constituted an act of aggression under international law. To that occupation must now be added military attacks. The observer for Israel had asked for a continuation of the peace negotiations. But how was it possible to negotiate with an occupying Power? If it wanted peace, Israel must withdraw from all the Palestinian territories, as required by Security Council resolution 242 (1967). That was the condition on which a peace agreement could be reached. The revolt of the Palestinian people was the revolt of a people struggling against occupation, as was affirmed by the various United Nations resolutions.

83. As for the Camp David negotiations, everyone acknowledged that it was Prime Minister Ehud Barak who had failed to assume his responsibilities on that occasion. Now, Prime Minister Sharon declared that he did not consider himself bound by any agreement concluded with the Palestinians. Yet simultaneously the observer for Israel in the Commission on Human Rights invited the Palestinians to resume negotiations. That made no sense. The Commission on Human Rights must not allow itself to be taken in by such words.

The public part of the meeting rose at 8.30 p.m.

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Fifty-seventh session

PROVISIONAL SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29 March 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (continued)

The meeting was called to order at 10.10 a.m.

STATEMENT BY Mr. THORBJØRN JAGLAND, MINISTER FOR FOREIGN AFFAIRS OF NORWAY

1. Mr. JAGLAND (Norway), after paying tribute to the United Nations High Commissioner for Human Rights, Mrs. Robinson, said that the struggle for human rights was every Government's struggle and involved dialogue, based on mutual respect and cooperation, rather than condemnation. Human rights were universal rights. Ensuring that they were respected was essential for peace, economic growth and political stability.

2. Like the High Commissioner and other speakers, he considered that the fight against racism, xenophobia and intolerance should be a priority objective of the international community and, in that connection, he welcomed the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in South Africa. No country could claim to be free of discrimination. Norway itself in the last few years had witnessed a number of unpleasant incidents in that regard. His country was preparing to adopt new laws on the subject, while acknowledging that legislation alone would not suffice to eradicate racism. It was attitudes that had to be changed, and there Governments had to take the lead.

3. He called on the Commission to take a firm stance against the death penalty, which was a terrible practice that must be abolished. Torture was totally unacceptable regardless of the circumstances, and he welcomed the announcement made the week before on behalf of the European Union by Ms. Anna Lindh, Minister for Foreign Affairs of Sweden, that the Union was working on guidelines against the practice. Lastly, Norway welcomed the appointment of a Special Representative on Human Rights Defenders and looked forward to her first report.

4. Discrimination against women occurred in a very large number of countries and in all areas of life. It must be brought to an end. Particular attention should be given to the protection of young women who were the object of trafficking for sexual and other purposes. Another particularly abhorrent practice was that of female genital mutilation. In that regard, the Government of Norway had adopted a plan of action to help eradicate the practice in Norway. Norway welcomed the decision to establish a permanent forum for indigenous peoples within the United Nations. In that context, it was essential to adopt the Declaration on the Rights of Indigenous Peoples before the end of the International Decade of the World's Indigenous People.

STATEMENT BY Mr. MILOVAN BLAGOJEVIC, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA

5. Mr. BLAGOJEVIC (Bosnia and Herzegovina), reporting on human rights developments in Bosnia and Herzegovina, said the Government which had emerged from the general elections of November 2000 was composed of several parties of the former opposition, and had drawn up a programme of activities directed to the establishment of a viable and functioning civil society, a sustainable market economy, democracy, the rule of law and respect for human rights. The establishment of the Ministry for Human Rights and Refugees would enable problems to be better addressed and human rights violations to be ended. However, the slow pace of

implementation of the decisions taken meant that the expectations of the various categories of the population were still not satisfied. In some cases fundamental rights were not respected.

6. Nevertheless, there was a genuine improvement in the situation, even if it was not spectacular. It was the result not only of resolute action on the part of the country's institutions but also of the tireless efforts of international institutions which had facilitated the implementation of programmes to improve the social, economic and political situation, to strengthen security, to facilitate the return of refugees and to promote the independence of the media and of the judiciary. The democratization process in neighbouring countries had had a positive impact on Bosnia and Herzegovina, particularly with regard to implementing programmes for the return of refugees. There was no doubt at all that those efforts also met the need for the promotion of regional cooperation in the context of the Stability Pact for South-Eastern Europe.

7. Bosnia and Herzegovina was convinced that in all countries of the region the most pressing problems were the return of refugees and the restitution of their property, trafficking in women, smuggling of illegal immigrants, the protection of State borders and cooperation between border control services, as well as the prosecution of war criminals. The country was no longer endangered by military operations, but it was threatened by insecurity and increasing violations of human rights resulting from sizeable migration flows and clandestine immigration. The persistence of old-style policies and a nationalistic climate in some regions, coupled with the results of local elections held in April 2000 and general elections held in November 2000, went a long way to explaining why Bosnia and Herzegovina did not meet the criteria for membership of the Council of Europe or the obligations imposed by the Peace Implementation Council.

8. The Constitutional Court of Bosnia and Herzegovina, in a decision adopted in the middle of 2000, had recognized that the country's three peoples had the right to vote throughout its territory, thereby eliminating one of the main sources of discrimination. That decision should lead entities to change their legislation so as to recognize the principles of equality, tolerance and respect of difference. As for the reconstruction of the Banja Luka mosque, the City Urban Planning Department had authorized the work to begin. The reform and professionalization of the police had meant that human rights could be better protected even though, in certain regions, the police services were still mono-ethnic. Thanks to the efforts of the United Nations Mission in Bosnia and Herzegovina (UNMBIH) and the United Nations International Police Task Force (IPTF), progress had been made in establishing a multi-ethnic police force that was representative of the local population.

9. Human rights violations, which in most cases affected ethnic minorities, prevented refugees and displaced persons from returning to their homes and repossessing their property. The Government attached great importance to the return of those persons. It had even set up ambitious plans for 30 per cent of them to return home by the end of 2001. During the conflict, 2.2 million people had fled either abroad or to another region of the country. Currently in Bosnia and Herzegovina there were 25,000 refugees from Croatia and 13,000 from the Federal Republic of Yugoslavia.

10. Because of better economic cooperation between the various regions, freedom of movement of goods and people had not encountered any major problem. On the other hand,

economic difficulties were creating new tensions in society and particularly affected the most vulnerable categories of citizens, such as the disabled, the elderly, and demobilized and displaced persons. That was why the new Government would have to redouble its efforts to speed up the transition towards a market economy and attract foreign investment. It would also have to deal with corruption and money laundering. Such economic difficulties should not be used to justify violations of economic and social rights and discrimination.

11. Bosnia and Herzegovina was counting on the assistance of the international community in implementing the Dayton Peace Accords, particularly with regard to democratization and the return of refugees. The activities of the international community and of the peacekeeping forces had resulted in new arrests and war criminals being brought before the Hague Tribunal. A careful approach to that issue would increase confidence in United Nations institutions and thereby facilitate reconciliation, democratization and the protection of human rights.

12. The country's main humanitarian problem was the 28,532 persons reported missing. Lack of funds was slowing down the process of exhumation and identification of bodies. Joint action by police forces, UNMBIH and IPTF had resulted in the release of 250 women illegally brought into the country and forced into prostitution. Bosnia and Herzegovina supported such actions and encouraged cooperation with neighbouring countries in that context.

13. Although progress had been made in the area of human rights, much remained to be done. In that regard Bosnia and Herzegovina hoped soon to benefit from a technical assistance programme of the Office of the United Nations High Commissioner for Human Rights.

STATEMENT BY Mr. ABDURRAHMAN SHALGAM, SECRETARY-GENERAL OF THE GENERAL PEOPLE'S COMMITTEE FOR FOREIGN LIAISONS AND INTERNATIONAL COOPERATION OF THE LIBYAN ARAB JAMAHIRIYA

14. Mr. SHALGAM (Libyan Arab Jamahiriya) said that Libyan human rights doctrine was inspired by the international instruments on the subject and by the Great Green Charter of Human Rights in the Jamahiriyan Era, which set out the rights of Libyan citizens; specifically the Great Green Charter enshrined the equality of men and women, guaranteed the independence of the judiciary and set out all the economic, social and cultural rights of Libyan citizens.

15. Promoting the status of women was accorded great attention in Libya, which had banned polygamy. Women played a part in all walks of life, in the law, the armed forces and the diplomatic service. Libya was honoured to see a Libyan woman as a Vice-Chairperson of the Commission on Human Rights. At the national level, 35 per cent of the members of major People's Congresses were women, which was a very high percentage.

16. In accordance with Islamic tradition, children enjoyed complete protection in Libya, where education was free. Child labour was an offence punishable by law. A Supreme Committee on Childhood had been established as an independent body with unlimited authority in protecting children and their rights.

17. Muslim Libyan society rejected all forms of racism and racial discrimination. In that context, he refuted accusations that Libya had displayed racism towards black Africans. It was

well known that Libya was host to about one million foreign workers, mostly from fraternal, Arab and African countries. Those workers enjoyed all the guarantees established by domestic legislation and the International Covenants. In view of their number, not all of them were able to find the work in Libya to which they aspired, which explained why some had returned home. However, others, from black African countries, had sought to survive by illegal means, carrying out burglaries or indulging in smuggling. There had also been some brawls involving Libyan citizens and African workers, but they had quickly been brought under control. The authorities had been obliged to react and the offenders had been brought to trial. With the full cooperation of the governments concerned, arrangements had been made for their repatriation. Those who depicted such isolated incidents as racial practices were seeking to paint a distorted picture of Libya. The reality was that there had always been very close links, consecrated by marriage, between Libyans and their African brethren.

18. Libya had suffered a great deal from sanctions which had been unjustly imposed on it in the name of the United Nations and which had compromised its development. The international community knew that those sanctions had political objectives and that if they had not yet been lifted it was because of the stubbornness of the great power which dominated the Organization and was using it for its own ends. The unilateral sanctions were a flagrant violation of international law, which prohibited any State applying coercive measures against another country.

19. That same superpower was the one which was encouraging, protecting and providing material and political support for the usurping Zionist gangs that were guilty of flagrant violations of human rights in the occupied Palestinian territories. Without the assistance of that power, the Israelis would not have been able to continue to defy the entire international community, represented by the United Nations, and in particular the Commission on Human Rights, and would not have treated the inquiry commission recently dispatched by the Commission to the occupied territories in the manner that it had.

STATEMENT BY Ms. LYDIE POLFER, VICE-PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF LUXEMBOURG

20. Ms. POLFER (Luxembourg) said that consideration of human rights situations country by country, in which the Commission on Human Rights was now engaged, concerned the totality of States, reminding them that they had a common responsibility to humanity, of which they were the manifold reality. In that respect, Luxembourg, supported the stance taken in the Commission by the representative of Sweden, speaking for the first time on behalf of the European Union. The European Union had made respect for human rights a criterion of admission. That criterion, which applied outside the Union, necessarily applied also to member countries, which were under an obligation to face up to their own contradictions.

21. Voices had been raised in the Commission against the use of the Internet for racist propaganda purposes. It was true that virtual communication escaped censorship, and one therefore found in it both the worst and the best. Regulatory means must naturally be found in order to prevent abuses, not forgetting, though, that the key to a better future did not lie in holding back a technological breakthrough.

22. When the Taliban regime in Afghanistan attacked the vestiges of ancient civilizations it was exhibiting a culture of intolerance whose brutality was to be seen on a daily basis in the affronts to the lives of Afghan women and girls.

23. The fight against racism was also a fight for freedom of expression. In that sense it was regrettable that the preparatory regional conferences for the forthcoming World Conference had been affected by certain restrictions. When regionalism was in conflict with multilateralism it became a factor of exclusion. It was to be hoped that the Durban Conference would be able to acquire universal authority.

24. The inquiry commission into human rights violations in the occupied Arab territories, established following the fifth special session of the Commission on Human Rights, called on the European Union to play a more active role in reviving the dialogue between Palestinians and Israelis. The Barcelona process, which was the instrument of dialogue and cooperation that the European Union shared with a large number of Arab countries and Israel, should be able to contribute to that.

25. The conclusions just presented by the Chairman of the Working Group on the right to development showed that that right had not yet reached the point of acquiring genuine legal status. However, it was the reflection of an Enlightenment ideal and should be fostered because time was running out. As for cooperation between the European Union and the countries of Africa, the Caribbean and the Pacific, the Cotonou Accords marked a new stage and formed a partnership without paternalism or servility.

26. Abolition of the death penalty, for which the European Union was campaigning, represented renunciation of the exercise of an absolute power through respect for the rights of the individual. By enlisting with the Union against the execution of minors or of mentally handicapped people, Luxembourg was neither calling for pity nor contesting the validity of sentences. It was merely denouncing the abuse of State power as represented by capital punishment. Accepting such an abuse would be tantamount to admitting that human rights were relative.

27. The increase in the number of situations in which the State was failing in its duty to protect civilian populations was disturbing. That was particularly the case in Chechnya. She wished to remind the Russian authorities of the commitments they had undertaken vis-à-vis the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe.

28. The High Commissioner for Human Rights, Mrs. Robinson, had announced that she would be leaving her post at the end of the World Conference against Racism, an announcement that was a warning sign. By refusing to go beyond the Durban Conference, Mrs. Robinson was drawing a line in the sand for multilateral diplomacy. She was calling attention to the dangers of the erosion of the multilateral system, which she knew was fragile but whose unique character, and therefore value, she appreciated. The Durban Conference was an opportunity to refocus the international community's commitment to human rights. In that respect, the High Commissioner's announced departure placed on the international community an obligation to succeed. If things turned out differently her departure would have the bitter taste of disavowal.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2001/3, E/CN.4/2001/7, E/CN.4/2001/27, E/CN.4/2001/28, E/CN.4/2001/29, E/CN.4/2001/30, E/CN.4/2001/108, E/CN.4/2001/109, E/CN.4/2001/110, E/CN.4/2001/111, E/CN.4/2001/112, E/CN.4/2001/113, E/CN.4/2001/114, E/CN.4/2001/118, E/CN.4/2001/121, E/CN.4/2001/130, E/CN.4/2001/133, E/CN.4/2001/136, E/CN.4/2001/142, E/CN.4/2001/NGO/7, E/CN.4/2001/NGO/18, E/CN.4/2001/NGO/53, E/CN.4/2001/NGO/74, E/CN.4/2001/NGO/118, E/CN.4/2001/NGO/149, E/2000/112-E/CN.4/S-5/5 and Add.1, E/CN.4/S-5/3)

29. Ms. JAHAN (Observer for Bangladesh) said that her delegation fully endorsed the statement made the day before on behalf of the Organization of the Islamic Conference.

30. It was worth emphasizing that the reports submitted for consideration under the agenda item all spoke of gross violations of human rights in the occupied Palestinian territories and reached the same conclusions, namely that the on-going conflict, and its impact on human rights, was linked to the occupation itself, particularly to the settlements which were an obstacle to the peace process; that Israel was using indiscriminate and disproportionate military force and was guilty of extrajudicial executions, political assassinations and arbitrary destruction of property; and lastly, that Israel was imposing restrictions on freedom of movement and on access to humanitarian assistance. For far too long, the Palestinians had been denied their inalienable rights, including the right to self-determination.

31. Her delegation believed that a settlement of the conflict in the Middle East lay only in cooperation and reconciliation. Those were also the aspirations of the peoples on both sides. In her report (E/CN.4/2001/114), the High Commissioner for Human Rights had declared her readiness to facilitate dialogue between human rights bodies and civil society from both sides, as the inquiry commission set up by the Commission had also recommended. The applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territories was now well recognized, but it was necessary to make sure that its provisions were respected in the region. Furthermore, the World Conference against Racism must also respond to the major challenge posed by the false notion of the racial supremacy of a people calling itself "God's elect". The Conference must provide an opportunity for reflection and open the way for reconciliation. The leadership of both sides and members of civil society must prepare for it.

32. The Commission must act on the recommendations contained in the reports addressed to it by adopting a comprehensive resolution. It must then establish effective follow-up mechanisms to ensure that the recommendations were properly implemented. In that respect, the Commission, at its fifth special session in October 2000, had requested a number of Special Rapporteurs to visit the area and report on their findings. Regrettably they had not all gone since it would have enabled the Commission to consider reports based on actual findings.

33. The only path to a just and lasting peace and stability in the region was through peace negotiations conducted in a framework of respect for human rights and humanitarian law. She wished to conclude on a hopeful note by recalling what Archbishop Desmond Tutu had said a few days earlier. He had expressed the hope that the dream of peace between Arabs and Jews

would soon become a reality. That meant that the Commission must do all it could to revive the peace process.

34. Mr. ALLAABOODI (Observer for the United Arab Emirates) said that Israel did not content itself with shelling Palestinian territories, depriving them of water and electricity and isolating them from the rest of the world by sealing them off. By dividing up the territories Israel had effectively turned them into concentration camps. Israel's behaviour represented a challenge to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949. In view of the war crimes committed by Israel in violation of international humanitarian law, the countries which had sponsored the peace process should intervene as a matter of urgency. They must demand that such attacks be halted and that the recommendations contained in Mrs. Robinson's report and the report of the inquiry commission be implemented. The United Arab Emirates expressed its firm support for those recommendations. The Security Council should be urged to send an observer force to the Palestinian territories to protect the population and prevent Israel continuing with its barbarous acts. The Palestinian people had the right to defend themselves until the occupation was ended. Meanwhile, they stood in need of urgent humanitarian assistance. The situation was getting worse by the day, as demonstrated by the heavy artillery attack by Israeli forces on Palestinian villages just the day before. That latest aggression must be resolutely condemned.

35. Mr. YONG Ho (Observer for the Democratic People's Republic of Korea) said that, despite the continuous efforts of the United Nations in the past decades to enable the Palestinian people to exercise their right to self-determination and re-establish peace in the Middle East, the situation had deteriorated in the occupied Arab territories and Palestine. No one could turn a blind eye to the human tragedy afflicting the region.

36. At its fifth special session on the situation in the occupied Palestinian territories, the Commission had adopted a resolution condemning the use of force by the Israeli occupying power. Pursuant to that resolution, the High Commissioner for Human Rights and an inquiry commission had visited the area. Their reports concluded that Israel should immediately halt the human rights violations and strictly respect international humanitarian law in the occupied territories. However, Israel continued to occupy the region by force and to commit atrocities, refusing to engage in any kind of cooperation with United Nations human rights mechanisms.

37. His delegation was deeply concerned about the situation and condemned the barbaric acts which the occupation forces were still carrying out. It supported the just cause of the Palestinian people, who aspired to restore their legitimate rights; it urged Israel to halt everything that could hinder the process of negotiation and peace in the Middle East and immediately put an end to its human rights violations, in keeping with relevant United Nations resolutions.

38. In conclusion, he was convinced that the Commission would not fail to review the implementation of the decisions taken at its fifth special session and adopt practical measures to end once and for all violations of the rights of Palestinians and to enable them to exercise their right to self-determination.

39. Mr. ALFARARGI (Observer for the League of Arab States) said that Israel was obviously determined to trample underfoot all human rights instruments, including the Universal

Declaration, the International Covenants, the Geneva Conventions and other international treaties. It was clearly evidenced in such inhuman practices as collective punishments, the destruction of houses, the confiscation of land to the build settlements and the diversion of water resources. The Israelis were freezing funds intended for the Palestinian people, tightening the blockade of the territories and turning them into small islands unable to communicate with one another. The international community must demand a ban on new settlements and the removal of those already in place. On the basis of the reports by Mrs. Robinson and Mr. Giacomelli, the international community must ensure the protection of the Palestinians and guarantee the return of refugees to their territory and their compensation. The Commission on Human Rights should submit appropriate recommendations to the Security Council.

40. Mr. KASRI (Observer for Tunisia) said that every day the world watched violations being committed by the occupying power in the Palestinian territories. The massacre carried out the day before by the Israeli army was yet another example. Not content with destroying the environment, dispossessing the Palestinians, carrying out extrajudicial executions and collective punishments, the Israelis were using tanks and helicopters to overcome a perfectly justified intifada. The reports by Mrs. Robinson and the inquiry commission had confirmed, if confirmation were needed, that the human rights situation in the Palestinian territories was continuing to deteriorate. The Commission must ensure that the recommendations contained in those reports were implemented. In that connection, there was good cause to wonder why some Special Rapporteurs - such as Mr. Nigel Rodley - had not thought it advisable to visit the Palestinian territories as the Commission had requested. Once again one wondered whether there was one law for the rich and another for the poor.

41. The international community should not content itself with condemnation; it must act. The Palestinian cause was a just cause. The time had come to do everything to ensure that it triumphed. There could be no peace until the Palestinian people had regained all their rights. The resolutions to be adopted by the Commission would be the yardstick for evaluating the international community's determination to secure respect for human rights.

42. Mr. EL TALIB (Observer for Sudan) said that the civilized world must react against the crimes committed by Israel. Using sophisticated weapons, the Israeli army was killing elderly people, women and children, destroying houses and turning the region into a huge prison. All those acts had been condemned by the Commission on Human Rights at its special session in October 2000. Sudan supported the conclusions contained in the reports of the High Commissioner and the inquiry commission. The international community must take specific measures and thereby prove that it was genuinely interested in the plight of the Palestinians. In particular, it must demand application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. Just as it had intervened in Kosovo, Sierra Leone and other regions that were racked by conflict, the international community must intervene in the Middle East in order to secure implementation of Security Council resolutions 242 and 338, failing which it could legitimately be reproached for applying double standards on the international scene.

43. Ms. MEGALLY (Human Rights Watch) said that her organization's researchers in the West Bank and Gaza had documented dozens of human rights and international humanitarian law violations over the past six months. The Israeli security forces had committed by far the

most serious violations, indiscriminately using lethal force, arbitrary killings and collective punishment, and imposing excessive restrictions on freedom of movement. Soldiers enforcing Israel's closures policy regularly stopped Palestinian cars, and beat and humiliated drivers and passengers. Israeli soldiers in Hebron had said it was not their job to protect unarmed Palestinians from settlers who had destroyed their houses and cars and damaged their shops or crops.

44. The Palestinian Authority was also implicated in serious violations. It had failed to prevent Palestinian gunmen from firing on settlements and did not appear to have investigated assassinations of Israeli civilians or to have prosecuted those who were guilty. The Palestinian security forces had detained large numbers of Palestinians accused of having collaborated with Israel, had executed two of those alleged collaborators and sentenced three others to death after summary trials.

45. Israel and the Palestinian Authority refused to fulfil their obligations under international humanitarian law and to respect human rights standards. Israel had also refused to cooperate with the Commission's human rights mechanisms.

46. Human Rights Watch called on the Commission to urge the Security Council immediately to establish a permanent international presence in the West Bank and Gaza to report regularly on compliance by the parties with their international obligations. It also called on the Commission to request the Secretary-General to report every three months to the General Assembly on all parties' cooperation with and implementation of the recommendations of the United Nations human rights mechanisms. Lastly, Human Rights Watch called on Member States which were High Contracting Parties to the 1949 Geneva Conventions to take immediate action, individual and jointly, to ensure respect for the provisions of the Fourth Geneva Convention, and to reconvene the Conference of High Contracting Parties and establish an effective international mechanism to ensure implementation of that Convention in the occupied territories.

47. Ms. SCANELLA (Amnesty International) said that grave human rights abuses were still being committed in Israel and in the territories occupied by Israel, including the areas administered by the Palestinian Authority. Since the beginning of the current intifada in September 2000, more than 350 Palestinians, 100 of them children, had been killed by Israeli security forces, while 60 Israelis had been killed in attacks by armed Palestinian groups. In November 2000, the Israeli Government had established a commission of inquiry to examine the deaths of 13 Israeli citizens of Palestinian origin allegedly killed by Israeli forces during demonstrations. The Israeli security services had corroborated Amnesty International's findings that firearms had been used against the demonstrators. The Israeli Defence Force had also admitted to a policy of extrajudicial execution of individuals who had been neither charged nor brought to trial. Since the Israeli Government failed to order any inquiry, the security forces continued with impunity to violate human rights and humanitarian law. They had even had recourse in certain cases to torture, which had been banned in 1999 by the Israeli High Court of Justice.

48. Israeli civilians had been killed by Palestinians in bomb attacks and drive-by shootings. Palestinians accused of "collaboration" had been executed by the Palestinian security services or

killed by armed groups. The lack of investigations suggested that the Palestinian Authority condoned or even encouraged those killings.

49. Abuses carried out by Palestinian armed groups could not serve to excuse human rights violations perpetrated by the Israeli authorities. The Israeli Government had failed to cooperate fully with United Nations mechanisms, whether by meeting the United Nations Special Rapporteur on the situation of human rights in the occupied territories or receiving the member of the United Nations inquiry commission when they visited the region in February 2001. The Commission on Human Rights should request the Israeli Government to ensure that its forces refrained from using firearms when there was no imminent danger to life, should request the Israeli Government and the Palestinian Authority to investigate all killings and bring the alleged perpetrators to justice; and lastly should invite the Security Council to reconsider its recent decision not to deploy an international observer force in light of the recommendation of the inquiry commission that an effective international presence should be established in the occupied territories to monitor compliance by all parties with their obligations under international humanitarian law and human rights instruments.

50. Ms. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination) said that in the world's conflicts States must always respect international legitimacy and the principles proclaimed in the Charter of the United Nations and the Universal Declaration of Human Rights. Israel had been established under General Assembly resolution 181, dated 29 November 1947, and known as the "partition resolution", which divided Palestine between its original Christian and Muslim Palestinian population and the migrating Jews from the Diaspora. Although that resolution was not satisfactory, because it was founded on racial considerations, and although the Palestinians had a right to reject it, it was still considered as the legitimate basis for the establishment of the State of Israel. Under that resolution, Israel was required to fulfil a certain number of conditions: respecting the borders set in the partition resolution; not to take any step to change the status of Jerusalem; and to permit the Palestinians to return to their homes whether those homes were in the area designated as belonging to Israel or elsewhere. It had to be said that Israel had not respected any of those conditions: it had occupied by force the other part of the territory defined in the resolution, attempted to redefine its boundaries, made claims on East Jerusalem and until now had not permitted Palestinian refugees to return to their homes. For all those reasons, the region had become centre stage for international conflicts that ran the risk of becoming real wars. The international community must ensure respect for international legitimacy and warn Israel's leaders that the political path they had chosen in the region, which could only have tragic consequences in the short and long term for all its inhabitants, including the Israelis themselves, was misguided.

51. Mr. HARRIS (American Jewish Committee) said that his organization, which had been working for international peace for a long time, was very concerned about the direction the Commission had taken at its special session in October 2000 and about the desire of some to see it continue along that path. Hijacking the work of the Commission for purely political purposes thwarted the defence of human rights and the quest for peace. If the Commission aimed to pursue justice, the State of Israel was waiting for it to do so with complete impartiality and without discrimination. Israel was the only country to be the subject of a distinct agenda item, item 8, while the situation in all the other countries in the world was considered under agenda

item 9. The mandate of the Special Rapporteur on the situation of human rights in the occupied territories was based on the principle that Israel was presumed to be guilty of violations. Furthermore, the Special Rapporteur inexplicably investigated only Israeli actions and never the behaviour of the Palestinians.

52. The Commission must not remain indifferent to the numerous flagrant violations of human rights committed by the Palestinians, even if it was politically convenient for some members. Moreover, some members of the Commission chose to ignore the historic opportunity to conclude a peace accord based on unprecedented undertakings, which had been offered by Israel in 2000. The Palestinian leadership had categorically rejected that deal, preferring to take a counter-productive all-or-nothing approach.

53. If the inquiry commission had demonstrated impartiality it would have found out the following fact: a minister of the Palestinian Authority had publicly admitted that the intifada was in fact premeditated; Jewish religious sites had been desecrated by Palestinians as part of a determined campaign to deny the historical and religious links uniting the Jews to the land; the Palestinian Authority was continuing its policy of incitement to violence; the Palestinian leadership had never condemned the acts of terror perpetrated against Israel both within and beyond the 1967 boundaries. Instead, in its report (E/CN.4/2001/121), the inquiry commission virtually endorsed Palestinian violence.

54. The American Jewish Committee once again called on the Commission on Human Rights to play a positive role in protecting the human rights of all, without discrimination, in the Arab-Israeli conflict. Adopting one-sided measures would only do the Commission, and equally the cause of peace, a grave disservice.

55. Ms. STUCKEY (Pax Christi International) said that members of the organization she represented had visited Israel and the occupied Palestinian territories in February 2001. They had found that the settlers had become more organized and were stepping up acts of violence against Palestinians civilians, who in turn responded with violence. The Jewish settlers had killed at least seven Palestinians, attacked 98 others in various ways and attacked 48 properties, even uprooting olive trees. The settlers seemed to have total freedom of action and the Israeli authorities did nothing to rein them in, whereas in accordance with the Fourth Geneva Convention relating to the Protection of Civilians in Time of War, it was the occupying power's duty to protect the Palestinian civilian population. Israel demonstrated notorious discrimination in the face of violence. As an example, the settler who killed a twelve-year-old Palestinian had been sentenced to six months' community service and payment of the equivalent of US$17,500 in compensation, whereas a seventeen-year-old Palestinian girl who had tried to stab a settler had been sentenced to six and a half years' imprisonment.

56. Pax Christi International called on the Israeli Government and its law enforcement agencies to respect the principle of the equality of everyone before the law and to protect Palestinians from attacks by settlers. It called on the Israeli judiciary to demonstrate impartiality in its sentencing policy. It called on the international community to put pressure on Israel to cease discriminatory practices in the occupied territories, and to ensure the safety of Palestinian civilians and their property. Pax Christi International urged the international community to implement Security Council resolution 1322 on the creation of an independent international

commission of enquiry and to establish an international observer force to protect the Palestinian population.

57. Ms. MIVELAZ (World Organization against Torture (OMCT) and Pax Romana) said that two organizations which were members of OMCT, namely the Palestinian Society for the Protection of Human Rights and the Environment (LAW) and the Public Committee Against Torture in Israel (PCATI), both denounced the use of torture in Israel during interrogations although the practice had been declared illegal in 1999 by the Israeli High Court of Justice. Incommunicado detentions without the possibility of access to lawyers and family members and other forms of cruel, inhuman or degrading treatment were also reported. No measure had been taken to prohibit those cases of ill treatment, to prosecute the people who committed them or to compensate the victims. According to the two organizations mentioned, there had been at least 10 extrajudicial killings of Palestinians - called "liquidations" by the Israelis - since 9 November 2000. According to a recent World Bank report, the restrictions imposed on the Palestinian population by virtue of the territory closures had led to a 50% increase in the poverty rate among the population. At present about one million Palestinians were living below the poverty line. The nature of the restrictions showed that they were a form of collective punishment against the Palestinian people as a whole, in violation of article 33 of the Fourth Geneva Convention, applicable to the occupied territories, which prohibited any form of collective punishment against civilian populations.

58. OMCT and Pax Romana strongly urged the Commission to request Israel to put an end to violations of human rights and humanitarian law and to prosecute those who committed them; to condemn the escalation of violence in the region as a result of those violations; to implement the resolution of the fifth special session; to adopt the recommendations of the High Commissioner for Human Rights and the inquiry commission; to call on the international community to secure respect for the Fourth Geneva Convention; and to recommend to the Security Council and the General Assembly the establishment of an international protection force in the occupied Palestinian territories.

59. Ms. HADDAD (World Young Women's Christian Association), speaking also on behalf of 13 other non-governmental organizations, said that the situation in the occupied territories of the West Bank, including East Jerusalem and the Gaza Strip, had never been so deplorable. Putting an end to the occupation of those territories was the essential condition for ending the human rights violations which the world had been witnessing in the region for decades. Routine collective punishments, the demolition of homes, the uprooting of olive trees and fruit trees, the confiscation of land for so-called security reasons, arbitrary arrests, prevention of access to medical services even in emergencies: the list of flagrant violations committed by Israel had been known to the Commission for years and it had been reminded of them at its special session in October 2000. Quite recently, the Israeli Prime Minister had announced the building of thousands of housing units for settlers in the occupied territories. The result was a worsening of the situation and a sense of desperation among the Palestinians.

60. The non-governmental organizations she represented called for the creation of an independent State for the Palestinians and secure borders for Israel, with justice and security as the foundations of any future peace negotiations. They called on the Commission at the very least to demand the following so that the situation could return to normal: an end to closures and

economic blockades; the removal of obstacles to children getting a normal education; restoring access to medical services; and permitting peaceful demonstrations against the occupation. Lastly, the World Young Women's Christian Association and the associated non-governmental organizations called on the Commission strongly to recommend to the Security Council the urgent establishment of an international body to guarantee the physical protection of Palestinians in the occupied territories. They urged the Commission to consider the possibility of establishing an international monitoring body in the territories in accordance with the recommendations contained in the report of the High Commissioner for Human Rights (E/CN.4/2001/114).

61. Mr. THOMAS (International Save the Children Alliance) said that the systematic sealing off of Palestinian towns and territories, which constituted a form of collective punishment and was accompanied by excessive use of force, also represented a violation of the rights of children to life, development and education.

62. The road closures and the clashes near the roadblocks meant that both children and teachers were unable to get to school. About 40 schools had been forced to close; by 17 February 2001, four schools in Hebron had been commandeered by the Israeli army, five had been bombed and many others had come under fire. Children had been killed on their way to or from school.

63. Because of the Israeli authorities' closures policy the proportion of the Palestinian population living below the poverty line had risen from 11 per cent by the beginning of 2000 to 45 per cent by the end of November 2000.

64. Approximately two thirds of the Palestinian Authority's revenues came from customs duties collected by Israel, which was withholding the revenues, and leaving the Palestinian Authority unable to pay teachers' salaries.

65. Israel was therefore violating the rights of Palestinian children to education, a right it was required to respect under many international instruments to which it was a party. Palestinian children were acutely aware of their rights and of the injustice to which they were being subjected. A very small number reacted by taking part in confrontations. Between 28 September 2000 and 15 March 2001, 133 Palestinian children under the age of 18 had been killed, 2,734 injured, and countless others psychologically affected.

66. In conclusion, International Save the Children Alliance called on the Commission to urge Israel to ensure the proper working of educational institutions and act in accordance with its international obligations. It also urged the Commission to protect the rights of Palestinian children through an international presence in the Palestinian territories.

67. Mr. ASGHAR NEMAKI (Organization for Defending Victims of Violence (ODVV)) said that the Palestinians had a perfect right to rebel against the Zionist regime, which was systematically violating their rights. The pictures of a child being killed at his father's side by Israeli forces were a cruel illustration of that situation.

68. Israel was using highly sophisticated weapons against Palestinian civilians, including children. In November 2000, a member of ODVV had witnessed Israeli helicopters launching missiles against a residential area in Ramallah.

69. The Israelis were not merely content with detaining Palestinians without trial, torturing them during interrogations, demolishing homes, attacking holy places and building illegal settlements on Palestinian lands. Since the outbreak of the intifada they had killed some 400 persons, including about 50 children.

70. Since Ariel Sharon came to power the siege of Palestinian towns, villages and refugee camps had been tightened, preventing the population from exercising its rights to education, freedom of movement, medical care and work. Israeli forces were also targeting those who witnessed their wrongdoings: on 8 March 2001 they had opened fire on three Reuters journalists.

71. It was time for the international community in general and the Commission on Human Rights in particular to take concrete measures to put an end to the crimes against humanity committed by Israeli occupation troops and to ensure that the Palestinian people could exercise their right to self-determination.

72. Mr. GIMBERNAT (Federation of Associations for the Defence and Promotion of Human Rights) said that the Palestinian people had been struggling tirelessly for 50 years to exercise their legitimate right to self-determination and to establish a sovereign and independent State.

73. The negotiations the Israelis and Palestinians had been conducting for seven years, without the participation of the United Nations, had failed. The majority of organizations for the defence of human rights supported those negotiations, hoping that the good will of the negotiators would enable a just and lasting peace to be established throughout the Middle East. Unfortunately, Israel refused to regard itself as an occupying power and therefore to withdraw from all territories occupied in 1967, including East Jerusalem, as required Security Council resolutions 242 and 338. Since the Oslo Accords of 1993, Israel had even continued building settlements in those territories. Furthermore, it was doing all it could to hinder the development of the Palestinian economy.

74. The United States of America, which had presented itself as a guarantor of those accords, had in fact taken the side of the Israelis, who thumbed their noses at a very large number of resolutions adopted by the Security Council and the General Assembly over the past 55 years which were favourable to the rights of the Palestinians.

75. In view of the seriousness of the situation, the United Nations seemed to be the only international body capable of monitoring respect for the agreements concluded between Palestinians and Israelis and implementation of resolutions adopted by its various bodies.

76. Ms. ESKIDJIAN (Commission of the Churches on International Affairs of the World Council of Churches) said that the World Council of Churches was gravely concerned at the non-implementation of countless United Nations resolutions on the occupied territories and at the increasing number of violations of the rights of Palestinians by Israel: restrictions on

freedom of movement, particularly with regard to access to holy places, disproportionate use of force, destruction of property and so on.

77. The closures of towns and villages, the bombing of civilian neighbourhoods and the impoverishment of the Palestinian population could only exacerbate the violence and increase the number of innocent Israeli and Palestinian victims.

78. In order to remedy that tragic situation, Israel must put an end to the military occupation of Palestinian territories in accordance with the relevant United Nations resolutions, immediately cease using force against unarmed civilians in strict respect of the Fourth Geneva Convention, accept visits by Special Rapporteurs to the occupied territories and the establishment of an effective international presence to ensure protection of the Palestinians, and lastly, to engage in negotiations for a comprehensive, just and lasting peace.

79. Mr. ABU HARTIEH (Al-Haq - Law in the Service of Man) began by thanking the Office of the United Nations High Commissioner for Human Rights and the members of the United Nations inquiry commission for all their efforts.

80. Throughout the peace process, the Israeli authorities had continued to confiscate Palestinian land and build settlements. Now that the occupation forces were encountering very strong resistance, they were targeting the civilian population, in disregard of international law, and were using excessive force. In the past six months, 383 Palestinians, including 99 children, had been killed and more than 12,000 injured, and about 15 per cent of whom would remain disabled for the rest of their lives. In most instances, Israeli soldiers were deliberately targeting the heads and torsos of demonstrators.

81. Collective punishment, particularly closures, was being used officially to put pressure on Palestinian civilians and their leadership to end the intifada.

82. Israeli forces were systematically attacking Palestinian medical personnel. Ambulances from the Palestinian Red Crescent Society had been targeted on 120 separate occasions. Hospitals, educational institutions and civilian neighbourhoods were not spared. In order to ensure protection of the rights of the Palestinian people, an international protection force should be deployed in the occupied territories under the auspices of the Security Council; the High Contracting Parties to the Fourth Geneva Convention should be encouraged to enforce the provisions of the Convention and its Protocol; the General Assembly of the United Nations should be urged to adopt effective measures, including economic sanctions, against Israel to oblige Israel to respect United Nations resolutions, including Security Council resolutions 194, 242 and 338; and a human rights monitoring mission should be sent to the occupied territories to document all violations of the rights of Palestinians committed by the Israeli occupation forces.

Statements in exercise of the right of reply

83. The CHAIRPERSON invited delegations wishing to exercise their right of reply to do so.

84. Mr. NASR (Observer for Lebanon) said that contrary to what had been claimed by the observer for Israel, he had never said that Israel had totally withdrawn from South Lebanon. In

fact, thousands of mines laid by the Israeli Army in south Lebanon continued to cause injuries among civilians and Israel had still not provided the Lebanese with maps showing where the mines had been placed, in spite of many requests to do so.

85. Mr. LEVY (Observer for Israel), replying to previous speakers, said that in the past three days suicide bomb attacks in Netanya, Jerusalem and Petah Tikva had killed three children and wounded forty persons, mostly children. Also, a Palestinian sniper had killed a 10-month-old baby in Hebron. Acting in legitimate self-defence and not against innocent stone-throwers, as some representatives had stated, Israel had attacked military targets belonging to elements of the Palestinian Authority involved in terrorism, namely Force 17. The targets had been a training camp in Gaza, an arms depot near Jabaliya, an armoured vehicle belonging to the Palestinian Authority in Gaza, and the Force 17 headquarters in Ramallah. Those responsible for encouraging and planning terrorist activities in Israel itself against the civilian population, particularly children, should not be surprised that Israel reacted as it did.

86. The events should be placed in context. In 1993, Israelis and Palestinians had decided to move from confrontation to mutual recognition with a view to establishing peace. Since that date several agreements had been signed and implemented.

87. The previous summer the two parties had begun negotiations on extremely sensitive issues, such as refugees, the status of Jerusalem and settlements. The Palestinian Authority had decided to break off those negotiations at the end of the summer and resort instead to violence. The tragic outcome of that decision was clear to all.

88. It was not too late to change the course of events, to call for an end to violence, to fight against terrorism, to lift closures and restrictions and to return to the negotiating table so as to avoid further casualties on both sides.

89. As for Lebanon, Israel had implemented Security Council resolution 425, and both the Security Council and the Secretary-General of the United Nations had testified that Israel had fully withdrawn from south Lebanon. As for the mines, the United Nations Interim Force in Lebanon (UNIFIL) had signed a document, which he would make available to the Lebanese delegation, attesting to the fact that the minefield maps had been transferred to the Lebanese authorities.

90. Mr. NASR (Observer for Lebanon) said that the document mentioned by the observer for Israel dated back to 5 June 2000.

The meeting rose at 1.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29 March 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.05 p.m.

STATEMENT BY THE DIRECTOR-GENERAL OF HUMAN RIGHTS AT THE COUNCIL OF EUROPE

1. Mr. IMBERT (Council of Europe) said there had been two main human rights events for the Council of Europe in the past year: the European Ministerial Conference on Human Rights, held in November 2000 on the occasion of the fiftieth anniversary of the European Convention on Human Rights, and a few weeks previously, the European Conference against Racism, the European contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

2. Some 800 million people currently enjoyed the protection of the European Convention on Human Rights, but that welcome development also posed certain problems. The control system had to cope with increasing numbers of individual applications, and that had caused the European Ministerial Conference to invite the States parties to do more to ensure that the rights guaranteed by the Convention were more effectively protected at the national level. The Ministerial Conference had also called for urgent consideration of more fundamental changes to the control system.

3. The Council welcomed the recently proclaimed Charter of Fundamental Rights of the European Union as a potentially important step for the protection of human rights. The Charter's adoption had given a new dimension to the question of the Union's accession to the European Convention on Human Rights. It was important to ensure coherence between the various human rights standards and systems in Europe.

4. The European Social Charter would be celebrating its fortieth anniversary in October 2001, and an undertaking to ratify it within a reasonable time was a political condition for accession to the Council of Europe. There was still a wide gap, however, between recognizing the indivisibility of all human rights and giving concrete effect to the principle. The new collective complaints procedure under the European Social Charter clearly showed that social rights could be protected through a complaints-based control mechanism. To date, 11 States had accepted it, and 10 complaints had been filed, covering issues such as child labour, just working conditions, health and safety at work and the right to organize.

5. The Committee established by the European Convention for the Prevention of Torture had been the first international body to be granted access to all places of deprivation of liberty which it wished to visit and to all persons it wished to interview during a visit in November 2000 to the Transnistrian region of Moldova. Following up two visits to the North Caucasian region of the Russian Federation, a delegation of the Committee had paid another visit to that region in March 2001. Since July 2000, the Committee had made two visits to Turkey, the most recent, in December 2000 and January 2001, having taken place at the invitation of the Turkish Government in the context of hunger strikes in protest against plans to introduce smaller living units for prisoners. The Committee had also been engaged in an exchange of letters with the International Criminal Tribunal for the Former Yugoslavia regarding the monitoring by the Committee of the conditions of imprisonment and treatment of persons convicted by the Tribunal.

6. Protecting the rights of minorities was a matter of continuing concern for the Council, and was clearly essential to stability, democratic security and peace. The protection of minority rights must be fully recognized as an integral part of the international protection of human rights. The Framework Convention for the Protection of National Minorities, already covering 33 States, was still the only legally binding international standard-setting instrument in that field. Its monitoring mechanism had become fully operational, with an advisory committee of 18 independent experts examining the first series of State reports and having adopted its first seven country-specific opinions. The Council intended to participate in the 2001 meeting of the Sub-Commission's Working Group on Minorities.

7. The Council's work in fighting racism extended well beyond the human rights mechanisms, covering such matters as social and educational policies, legal cooperation and immigration issues. The main work was carried out by the European Commission against Racism and Intolerance (ECRI), an independent expert body, which had recently adopted general policy recommendations to all member States on combating intolerance and discrimination against Muslims and on the dissemination of racist, xenophobic and anti-Semitic material via the Internet. The texts of the European Conference against Racism had been forwarded as Europe's contribution to the Preparatory Committee for the World Conference. The Council hoped that the World Conference would generate a decisive momentum towards the eradication of racism, and called on all delegations to cooperate in order to ensure its success. While the pain and suffering caused in the past could not be forgotten, it was vital to concentrate on looking to the future.

8. In May 2000, the Committee of Ministers of the Council of Europe had adopted a recommendation to member States on action against trafficking in human beings for the purpose of sexual exploitation. A seminar on action against trafficking in south-eastern Europe had been held in Athens at the end of June 2000 in partnership with the Office of the High Commissioner for Human Rights (OHCHR) and other organizations. Elements for a regional action plan against trafficking had been adopted, and the Council had prepared a compilation of main legal texts dealing with the subject at the international, regional and national levels. The next European Ministerial Conference on equality between men and women would be devoted to the participation of women in conflict prevention and peace-building.

9. The situation in Chechnya was a matter of continuing grave concern to the Council, which considered that a solution to the conflict could be achieved only through political means, not through violence. Of particular concern were the recurring reports of indiscriminate killings of civilians, disappearances and other human rights violations. The overall security and humanitarian situation remained extremely precarious. Three Council experts were working in the field with the Office of the Special Representative of the President of the Russian Federation responsible for ensuring respect for human rights and fundamental freedoms in the Republic of Chechnya. While that Office had been able to make a contribution to the release of detainees and the tracing of missing persons, there was a clear need for rapid and substantial progress in investigations by military and civil prosecutors into serious human rights violations and in bringing those responsible to justice.

10. In March 2001, the Council's Commissioner for Human Rights had once again visited Chechnya, and his report showed that very few of the complaints transmitted to the Government procurators had so far received an adequate response. His report had underlined that it was important to put an end to the current climate of impunity surrounding the crimes committed. The European Ministerial Conference had called on the Council to give consideration to the question of the protection of human rights during armed conflict and internal disturbances and tensions, and that work would clearly draw on the many activities of the United Nations in that area. In that respect, the Council was looking forward to the Human Rights Committee's general comment on article 4 of the International Covenant on Civil and Political Rights.

11. The Council also had human rights field offices in Bosnia and Herzegovina, Kosovo, Montenegro and Albania, and had recently opened an office in Belgrade. Its work in Yugoslavia, built on cooperation with locally active non-governmental organizations (NGOs), and its contact with the Belgrade authorities regularly involved the question of cooperation with the International Criminal Tribunal in the Hague.

12. As for its standard-setting work, the Council was pleased to announce that 26 of its member States had so far signed the new Protocol No. 12 to the European Convention on Human Rights, which provided for the general prohibition of discrimination. Further standards were being drawn up, including a possible new protocol abolishing the death penalty for crimes committed in time of war or imminent threat of war, the adoption of which would undoubtedly help to further the total abolition of the death penalty.

13. Finally, he expressed the Council's deep appreciation of the tireless efforts of the High Commissioner in advancing the cause of human rights worldwide, and said that it had been shocked to hear of her decision not to seek a second term. He hoped her decision would produce a reassessment of the still extremely modest place of human rights activities within the United Nations.

STATEMENT BY THE MINISTER OF HUMAN RIGHTS, INSTITUTIONAL REFORMS AND RELATIONS WITH THE NATIONAL ASSEMBLY OF BURUNDI

14. Mr. NINDORERA (Burundi), having paid tribute to the High Commissioner who had done much to advance the cause of human rights, said that, when he had addressed the Commission at its fifty-sixth session, he had thought that he was doing so for the last time, since the prospects of a peace agreement in his country were genuine and a new Government of national unity was confidently expected. In fact, significant progress had been made, and 19 parties had signed an agreement on peace and reconciliation. However, two questions remained to be settled: that of the ceasefire and that of the establishment of transition institutions.

15. The Forces de Défense de la Démocratie (FDD) and the Forces Nationales de Libération (FNL) armed groups had still not embraced the Arusha negotiations or acceded to the Arusha Peace Accord. Those armed groups had, in fact, opted to intensify the violence against the civilian population. They had strengthened their alliance with the Interahamwe and the former members of the Rwandan armed forces which had committed genocide in Rwanda. Their acts of

violence, which should be condemned by the international community, were all the more unacceptable because the Arusha Peace Accord had been concluded between parties which included the Conseil National pour la Défense de la Démocratie (CNDD) and the Partie pour la Libération du Peuple Hutu (PALIPEHUTU) of which the FNL and FDD were, respectively, the armed wings.

16. In the face of their refusal to negotiate a ceasefire and their continued killings of innocent people, the Government had no choice but to fight them as enemies of peace and of the Burundian people. The next regional summit on the peace process would deal with the question of what direct or indirect measures of coercion should be taken against the armed groups and their allies, and should decide on specific courses of action to be taken urgently.

17. Burundi had established an International Judicial Inquiry Commission and a National Truth and Reconciliation Commission, but neither could usefully function in a context of violence. A ceasefire agreement was a precondition for the defence and security measures and reforms envisaged in the Arusha Accord. The repatriation and reintegration of refugees could not take place while fighting was still going on, and genuine reconstruction could not begin. The lack of security jeopardized the encouraging results which had emerged from the donors' conference held in Paris in December 2000. Even the progress made in the field of human rights was likely to be cancelled out because of the continuing violence.

18. Over the past year, his Government had been implementing its new Code of Criminal Procedure, which had had some successes but whose weaknesses had also become clear. Arbitrary and excessive use of pre-trial detention had been reduced; there had been better provision of the right of legal defence and the number of lawyers had been considerably increased; there had been conditional discharges from prisons; seminars and workshops had been organized on human rights, the rights of the child and women's rights; there was open discussion of questions such as the exercise of public freedoms in a civil war context; a governmental human rights commission had been established; the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the African Charter on the Rights and Welfare of the Child and the Protocol Relating to the Establishment of the African Court on Human and Peoples' Rights had been ratified; international commitments had been met under the African Charter on Human and Peoples' Rights, the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women; and a permanent body had been set up for the protection of displaced persons.

19. However, there had been constraints and difficulties, among them the intensification of violence by the armed groups; an ethnic bias in the approach to human rights; poverty, famine, malaria and HIV/AIDS; inadequate resources for policing and administering justice; the slowness of the legal process; prison conditions; cases of torture in police cells; the increasing number of street children and internally displaced persons; and corruption among State officials and law-enforcement agents.

20. His own Ministry and other departments were engaged in a joint effort to create a new impetus within government circles and to encourage civil society in general and human rights organizations in particular to play their full part. Nevertheless, there could be no real progress in the human rights field in Burundi without an end to the civil war.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2001/3, 7, 27-30, 108-114, 118, 121, 130, 133, 136 and 142; E/CN.4/2001/NGO/7, 18, 53, 74, 118 and 149; E/2000/112-E/CN.4/S-5/5 and Add.1; E/CN.4/S-5/3)

21. Mr. LITTMAN (World Union for Progressive Judaism), recalling that in a statement to the Commission 10 years previously he had spoken of the leaders of the first intifada deliberately inciting children to violence and using them in armed conflicts, in contravention of article 38 of the Convention on the Rights of the Child, said that nothing had changed in the second intifada. A major cause of the criminal manipulation of Palestinian children was the systematic misuse of education by the Palestinian Authority. Very young children were being indoctrinated by teachers to prepare for the jihad, including praise of suicide bombings.

22. His organization urgently called upon the Commission, the European Union, UNESCO, the International Committee of the Red Cross (ICRC) and Switzerland, the depositary State of the various Conventions concerned, to begin inquiries into the grave abuses of the Palestinian Authority education system. The Commission should act to put an end to hate teaching in Palestinian schools and to the criminal use of children in conflicts.

23. Ms. LAMBERT (Center for Economic and Social Rights) said that the refusal of Israel to apply the principles of human rights and humanitarian law to its conduct in the occupied Palestinian territories was a fundamental challenge to the credibility of the United Nations, and the Commission must develop effective measures to establish the rule of international law in those territories. The Human Rights Inquiry Commission established pursuant to Commission resolution S-5/1 of 19 October 2000 had urged "the organs of the United Nations" to "rehabilitate their reputation" through decisive "follow-up action". That should be the Commission's top priority at its current session.

24. Her organization thus urged the Commission to take the following steps: declare that the root cause of the conflict was Israel's continued occupation, confiscation of land, water and other resources, and construction of settlements; call upon Israel to take immediate and effective measures to end its occupation and cease violating human rights and humanitarian law; request the General Assembly to support the call to reconvene the High Contracting Parties to the Fourth Geneva Convention; request the Secretary-General to carry out an analytical study relating to issues concerning the compensation of victims of violations of human rights and humanitarian law; request the Security Council to consider the establishment of an effective international protection force to safeguard the rights of Palestinian civilians; and decide to establish an effective international mechanism to undertake on-site monitoring and reporting of violations of human rights and grave breaches of international humanitarian law by all parties.

25. Mr. ISSA (International Federation of Human Rights Leagues) said that the Federation and its member organization in Palestine, the Palestinian Society for the Protection of Human Rights and the Environment (LAW), were concerned at the escalating violence against Palestinians on the part of Israeli forces and settlers and the increasingly repressive forms of collective punishment, and other policies and practices designed to cripple the Palestinian economy. Violations of the Fourth Geneva Convention continued, and the perpetrators had either not been properly investigated or prosecuted or had enjoyed complete impunity.

26. There were many cases of disproportionate use of force against unarmed Palestinian civilians who posed no threat but who were directly targeted and killed or injured. Most of the non-peaceful demonstrators who had been killed had simply been throwing stones, but heavy weaponry and live ammunition were used against them, usually without prior notice. Children suffered disproportionately and clearly marked medical personnel and ambulances had been deliberately attacked. Israeli settlers continued to pose a threat to Palestinians, and the settlements were used to launch attacks. Extrajudicial killings had become a regular feature of Israeli policy.

27. His organization called on the Commission and the international community to send an international protection force to the occupied territories, send effective international humanitarian assistance to the area, reconvene the adjourned conference of the High Contracting Parties to the Fourth Geneva Convention, and monitor and follow up implementation of the resolution adopted at its fifth special session, the recommendations of the High Commissioner and the report of the Human Rights Inquiry Commission, as well as to request visits by the various special rapporteurs, none of which had so far taken place.

28. Ms. DOSWALD-BECK (International Commission of Jurists) said that her organization was deeply concerned at the appalling situation in Israel and the occupied Palestinian territories. The Fourth Geneva Convention continued to apply throughout the territories that Israel had controlled since 1967. Certain security measures might legitimately be taken under the Convention, but they must be in accordance with international law. In any case, it was doubtful whether the law relating to the conduct of hostilities in armed conflict was the correct yardstick for dealing with the violence, since the Convention was aimed at limiting the action that could be taken against persons and property in occupied territory. It would therefore be more consistent for security measures to be in conformity with the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

29. Another cause for concern was the Israeli's Government policy of carrying out extrajudicial killings of those considered a threat. Such a policy was a grave violation of the Convention. Moreover, the International Covenant on Civil and Political Rights provided that no derogation to the right to life might be made when a state of emergency was declared. Perpetrators of illegal violence should be brought to justice in accordance with the rules of due process. The Palestine Authority, too, should bring to trial persons guilty of killing civilians and should ensure that such trials were fair. It should also abandon the death penalty. The provisions of the Convention relating to the free passage of food, relief and medical care, the care of children, access to legal counsel and the ban on the destruction of property were also being violated. Her organization welcomed the announcement that a national commission for human rights in Israel was at an advanced stage of planning.

30. Ms. LUPING (Cairo Institute for Human Rights Studies) said that all States Members of the United Nations, other than Israel, recognized that the Fourth Geneva Convention applied to the occupied territories and constituted binding international humanitarian law. The international community was fully aware of the gross violations of international law that continued to be perpetrated by Israel. The State Department report of the United States Government, for example, cited official Israeli statements that firearms had been used by

Palestinians in 30 per cent of demonstrations, from which it followed that in 70 per cent they had not. A number of deaths and injuries had occurred during demonstrations at which protestors had not used live firearms. The report also referred to the variety of means used to disperse demonstrators, including rubber-coated metal bullets and live ammunition, adding that live fire had been used in cases where the lives of soldiers, police or civilians had not been in imminent danger. The report had confirmed that Israeli forces had shelled Palestinian institutions and civilian areas in retaliation for individual Palestinian attacks on Israeli civilians or settlers. Such bombing of civilian areas was, in yet another breach of the Fourth Geneva Convention, a form of collective punishment. Meanwhile, Israeli settlers who had harassed, attacked and occasionally killed Palestinians in the occupied territories, as well as damaging property, generally escaped prosecution.

31. Israel's Ministry of Finance was cited as estimating that, since the beginning of the intifada, there had been a 30 to 50 per cent decline in economic output in the occupied territories. Unemployment of Palestinians had nearly quadrupled, the poverty rate had doubled and the loss of income was estimated at US$ 500 million. Within Israel itself, the report stated that police had failed to protect Arab lives and property attacked by Jewish citizens. Moreover, the Government had made little headway in reducing institutionalized discrimination against Israel's Christian, Muslim and Druze citizens. Israel's military and political commanders had created a humanitarian crisis in which Palestinians felt increasingly desperate, as evidenced by the recent return of suicide bombers.

32. The lives of Jewish women and children were endangered when they were settled in illegal militarized settlements, as the recent tragic death of a Jewish Israeli child in Hebron showed. Words of condemnation from the international community had failed to secure peace. Strong, effective steps must be taken, including sanctions, embargoes and the immediate deployment of an international peacekeeping force.

33. Ms. ZERRIFFI (Palestinian Centre for Human Rights) said that the roots of the crisis extended deeper than the current intifada: Israel's continued occupation of the Arab territories and its violations of international human rights and humanitarian law had created an explosive situation that had been ignited by the provocative visit of the current Prime Minister to the Haram al-Sharif. Over the past few months, Israeli actions had become more extreme and had included the use of heavy weaponry against unarmed demonstrators throwing stones and the bombing of Palestinian residential areas. There had also been a policy of extrajudicial killings: since 9 November 2000, at least 10 Palestinian leaders had been assassinated.

34. Israel also continued to establish and maintain settlements in the occupied territories, which not only violated the Fourth Geneva Convention but also created a fait accompli in advance of final status negotiations. It was part of a larger policy of population transfer designed to replace the Palestinian population with an Israeli one. In 2000, the Israeli authorities had demolished 223 Palestinian-owned buildings in the West Bank (including occupied East Jerusalem) and the Gaza Strip.

35. The closure policy, which had been imposed with unprecedented severity, not only constituted collective punishment but had also imposed a stranglehold on the territories. The Palestinians had suffered social and economic suffocation, with restrictions on their freedom of movement, freedom of religion, access to medical facilities and access to education.

36. Her organization called on the Government of Israel to observe the Fourth Geneva Convention and to meet its international obligations. Meanwhile, the Commission should urge the international community to send an international protection force and to reconvene the adjourned Conference of High Contracting Parties to the Fourth Geneva Convention in order to put pressure on Israel to implement the Convention.

37. Ms. CARCAÑO (Women's International Democratic Federation) said her organization sympathized with the Palestinian people and condemned the acts of violence that had caused suffering and sorrow to a multitude of victims, particularly children. The Israeli armed forces should withdraw immediately from the esplanade of the mosques in Jerusalem and from around the cities of the West Bank and Gaza. Israel should implement Security Council resolutions 242 and 338 and the international community should take action to ensure respect for the rights of the Palestinian people and the cessation of all violence. Only thus would a lasting peace be achieved.

38. Mr. SAFI (International Islamic Federation of Student Organizations) said that, since September 2000, 3 million civilians in the West Bank and Gaza had been living under a siege imposed by the Israeli military occupation. All movement of people and goods was restricted and food, fuel and other basic necessities were running short. The World Food Programme (WFP) was currently distributing flour in Gaza. Poverty levels had doubled in five months. The siege had caused more than $2 billion in losses to the Palestinian economy and unemployment levels had soared to 48 per cent.

39. Up to 200,000 Israeli settlers, on the other hand, moved freely in and out of the West Bank and Gaza. Their settlements were supplied with food and all other necessities. At its fifty-sixth session, the Commission had called on Israel to end its human rights violations, but the cold-blooded murder of children, the plight of Palestinian refugees and Israeli intransigence demanded punitive action and not just another condemnatory resolution.

40. Mr. AL-ZULOF (Defence for Children International) said that one of the tragedies of recent months had been the international community's silent complicity with the Israeli war against Palestinian children, characterized by endless condemnations but little practical action. The reality was a simple one: the Palestinian people had an undisputed right to self-determination and Palestinian refugees had the right to return to their homes and land. That must be the starting point of all international initiatives. Enforcement would be required, however, otherwise Israel would continue to flout United Nations resolutions and international law.

41. In the first place an internationally endorsed boycott should be adopted. The boycott should extend to trade with, investment in or travel to Israel and should include countries such as the United States which supported Israel financially and militarily and military hardware companies that supplied Israel. Secondly, the international community should send a temporary

protection force. Thirdly, an international tribunal should be established for the purpose of prosecuting those responsible for serious violations of international humanitarian and human rights law in the West Bank, Gaza Strip and Jerusalem after 29 September 2000.

42. Ms. ROBERT (Médecins du Monde) said that her organization, which had been active in Palestine since 1994, had in September 2000 launched an emergency programme to support Palestinian hospitals treating those injured in the confrontations. It had also carried out a survey of 96 injured people in a variety of hospitals in six towns. Its findings were, first, that the services had been overloaded and that non-urgent surgery had had to be postponed; that the curtailment of the hospital staff's freedom of movement as a result of the closures imposed by the Israeli military authorities had heavily disrupted the health services and that the ambulances provided by the Palestinian Red Crescent regularly came under fire and had therefore been unable to play their full role. The repeated violation of the principle of the neutrality of medical services had gravely affected the quality of care provided to the victims of the confrontations.

43. Nearly all the 96 victims in the survey had been injured by live bullets from the 5.56 mm calibre light firearms used by the Israeli armed forces. They were mostly young, 68 of them being between 12 and 25 years of age and 29 were minors. Medium- and long-term care for the injured would constitute a major challenge for Palestinian society. The trauma and depression suffered by them and their families would also need to be taken into account. Her organization urged the Commission to consider how an inquiry mechanism could be set up to establish responsibility for the injuries inflicted and to look into the possibility of creating a compensation fund for the victims.

44. Mr. AHMAD (World Muslim Congress), having pointed out that the origins of the Palestinian problem lay in the decisions taken soon after the end of the First World War and the subsequent League of Nations mandate, said that practically every human right of the Palestinian people in the occupied territories was currently being violated. Israeli Governments had gone back on their commitments under the Oslo Accords and the peace process had been brought to a standstill. Palestinian lands were hermetically sealed off by the Israeli Army and 3 million civilians were living under siege. The Palestinian economy had suffered losses of up to $2 billion and unemployment had soared to 50 per cent. Israel had withheld from the Palestinian Authority funds collected as customs duties.

45. Innocent Palestinians had been massacred by Israeli soldiers targeting the upper body of unarmed, stone-throwing youths. Nearly 400 Palestinians had been murdered since September 2000 and thousands had been handicapped for life. Israel's so-called security interests did not accommodate the existence of Palestinians. Areas were being cleared of their Palestinian residents and more Israeli settlements were planned. The 180 or so Jewish settlements built on occupied territory were illegal. The United Nations and the Commission had set in place the necessary legal measures to restore human rights in occupied Palestine. The challenge was to find ways and means of overcoming Israel's adamant inflexibility.

46. Mr. CASTRO (Organization of Solidarity of the Peoples of Africa, Asia and Latin America), speaking also on behalf of the Movimiento Cubano por la Paz y la Soberanía de los Pueblos, Federation of Cuban Women, Centro de Estudios Europeos and Centro de Estudios sobre la Juventud, said that the 50-year tragedy of a colonized people deprived of their goods and

resources and subjected to forced displacement continued without any solution in sight. The Palestinian people's right to self-determination and independence was unquestionable on historical, moral, legal and political grounds. Yet, while ethnic cleansing was condemned in other parts of the world, the Palestinian people were denied its right to exist as a nation and as an independent State. Israel, with support from the United States, used force and intimidation to flout the will of the international community as expressed in United Nations resolutions.

47. The organizations he was representing condemned United States policy in the region, which encouraged Israel not to implement United Nations resolutions while hypocritically alleging violations of human rights and international law as a pretext for launching barbaric acts of aggression against other, particularly Arab, States. The international community should require Israel to lift the restrictions on Palestinian access to Jerusalem immediately and to free all Palestinians and Arabs imprisoned for their national liberation struggle, in accordance with the Fourth Geneva Convention.

48. Lastly, the international community should denounce the possession by Israel of dangerous nuclear weapons and weapons of mass destruction, which constituted a threat to international peace and security.

49. Mr. GADIR (Arab Organization for Human Rights) said that, at each of its sessions, the Commission reiterated the hope that the situation in the occupied territories would improve. However, Israel's violations of international humanitarian law and of the Fourth Geneva Convention had become steadily more serious. Since the outset of the second intifada, Israel had been waging an undeclared war on innocent Palestinians using an arsenal of heavy weapons. Some 450 people had been killed and a further 20,000 wounded. The blockades had led to hunger among Palestinians, and repressive measures had even been imposed on Arab residents in Israel. The zone of pillage extended across Gaza, the West Bank and Jerusalem. Moreover, the headquarters of the Palestinian Authority had also become a target. The Palestinian people's determination to reject the 30-year occupation and associated humiliations had not, however, been broken.

50. The Government of Israel had been encouraged in its actions by the failure of the international community to impose appropriate sanctions and the situation was likely to deteriorate further. The Commission, for its part, should: strongly condemn Israel for its aggression against the Palestinian people; adopt the necessary protective measures to prevent a repetition of the Haram-al-Sharif massacre; and recommend a reconvening of the Conference of the High Contracting Parties to the Fourth Geneva Convention.

51. Ms. HOTER (Society for Threatened Peoples) expressed concern about the exacerbation of violence since the second intifada: 329 Palestinians - mostly civilians, including 90 children - had been killed, while many thousands more had been wounded. On the Israeli side, there had been 47 casualties. The Israeli security forces had used excessive force in response to Palestinian demonstrators - including live ammunition against stone-throwing children - and had carried out extrajudicial executions in violation of both Israeli and international law. The Commission must urge the Government of Israel to abide by its obligations under the Fourth Geneva Convention.

52. Ms. BRUSCA (North South XXI) said that the international community appeared incapable of ensuring that its resolutions were implemented and that international law was respected in the occupied territories. European States paid lip-service to the Palestinian cause while continuing to support Israel. She wondered whether the High Commissioner's decision not to seek a second term had been prompted by the failure on the part of Governments to comply with their human rights obligations and precipitated by political harassment on the part of the Israeli authorities during her visit to the area. The international community was constantly giving in to the political blackmail practised by Israel and its protector, the United States.

53. The Government of Israel acted with arrogance and impunity, convinced of the superiority of the Jewish people. The sole object of the war being waged was to replace Palestinian civilians with hundreds of thousands of settlers from all over the world. Increasingly, the Government of Israel sought not peace, but the subjugation of the Palestinian people, a trend confirmed by the recent election of Ariel Sharon with his odious past. How much longer would the crimes against humanity perpetrated by the Israeli leaders and the policy of racial discrimination followed by the Israeli occupation forces be tolerated and the United Nations remain paralysed?

54. Mr. MANSOURI (Europe-Third World Centre) said that his organization strongly denounced the economic, military and psychological pressures being inflicted on the Palestinian people. Palestinian hopes for peace had been dashed by the Government of Israel's continued refusal to implement United Nations resolutions. Certain Western Governments, international organizations and the media, having failed to make a proper analysis of the situation condemned both sides equally, thus placing the oppressed and the oppressor on an equal footing.

55. The children of the intifada were treated as terrorists by Israel and Israeli snipers were authorized to shoot them in the head. The fanaticism of Israeli settlers was likely to result in further massacres.

56. Israel continued to claim to be an underdog despite being a nuclear power and having the support of the United States and other Western States. It lost no opportunity, however, of demonstrating its supremacy and its determination to violate international law. The Commission should recommend that the Security Council send forces to protect the Palestinians from the Israeli army. The United Nations should also insist that the Government of Israel respect the relevant resolutions concerning the decolonization of the Palestinian territories.

57. Mr. AL-MAIMAN (Muslim World League) welcomed the reports of the High Commissioner and the Human Rights Inquiry Commission. Their findings were balanced and provided further confirmation that human rights in Palestinian territories were being violated. Regrettably however, certain United Nations mechanisms had failed to respond to the Commission's recommendations. The use of excessive force by the Israeli forces and their destruction of Palestinian property were of great concern to his organization, as was the increase in the numbers of children being killed. An international tribunal should be established as a matter of urgency to prosecute such crimes and the international community should condemn the collective punishment of the Palestinian people.

58. The Palestinian Authority and the Palestinian people wished to work in partnership with Israel, but Israeli arrogance stood in the way of a just peace. His organization called upon both parties to embark on unconditional negotiations with the participation of the United States. The Conference of the High Contracting Parties to the Fourth Geneva Convention should also be reconvened at the earliest opportunity.

59. Mr. WAREHAM (International Association against Torture) said that the hypocrisy which risked undermining the Commission's credibility had been clearly demonstrated in relation to the agenda item under discussion. The international community was once again confronted with an oppressed people flinging stones in challenge to a heavily armed, internationally supported opponent. In the current situation, however, there could be no "media blackout", no disingenuous claims by Western Governments that they did not know what was happening. The Commission had received evidence from irrefutable sources of the excessive use of force by the Israeli armed forces, their use of torture, and their imposition of closures and curfews which denied the Palestinian people their basic rights. The use of extrajudicial killings were also well documented. The failure on the part of Israel to respect human rights and international law - in particular the original partition agreement - called into question the legitimacy of the State of Israel itself.

60. In vetoing the draft resolution calling for an observer mission to protect Palestinian civilians in the Security Council that week, the United States delegation had termed it "unbalanced and unwise". His organization found it incredible that a "balanced" approach should be sought to the issue. Where was the balance when one side had rifles and the other stones, where one side suffered five times as many casualties as the other?

61. For its part, the Commission should: condemn the escalation of violence in the region resulting from Israel's violations of human rights and humanitarian law; ensure that the High Contracting Parties of the Fourth Geneva Convention took immediate steps to ensure that its provisions were respected; and call on the Security Council in general, and the United States in particular, to reconsider the vetoed draft resolution to establish an observer force.

62. Mr. FALK (Member of the Human Rights Inquiry Commission) said that the Inquiry Commission had been encouraged by the strong support voiced for its conclusions and recommendations (E/CN.4/2001/121). It had been faced with the challenge of conducting an objective inquiry in the absence of Israeli cooperation. It had, nonetheless, made great efforts to reflect fairly both Palestinian and Israeli perspectives and had leant over backwards to ascertain the best Israeli arguments on contested issues. A commitment to objectivity did not, however, imply a posture of "neutrality" and the Inquiry Commission had been able to reach some very firm conclusions. The Israeli Security Forces had used excessive and disproportionate force from the outset of the second intifada and the Israeli occupation and policies of response had resulted in an intolerable situation for the entire Palestinian population.

63. The Palestinian and Israeli people had been yearning for peace, and had suffered its absence for decades. However, during the Oslo process, a dangerous misapprehension had arisen that human rights and international law considerations could be put aside for the sake of the negotiations. In fact, such considerations constituted the prerequisite for durable peace and must inform the entire process.

on an emergency basis from 16 to 18 March 2001. His had visited Shamshatoo camp near Peshawar and interviewed some of the 170,000 people estimated to have crossed into Pakistan since mid-2000, but had been unable to visit Jalozai camp where the conditions of new refugees were said to be so desperate that it was described as a living graveyard. His visit had also been prompted by the recent call by the High Commissioner for Human Rights for an independent international inquiry into the massacres and other grave human rights violation committed by parties to the armed conflict in Afghanistan.

69. While in Pakistan he had met the Taliban Ambassador and had expressed his desire to visit Afghanistan to pursue inquiries into reports of killing of civilians. The Ambassador had indicated he could grant him a visa for Kabul but not other areas. He hoped, therefore, to be able to visit Kabul in the near future.

70. The direct testimony of the newly arrived refugees had confirmed the desperate situation in Afghanistan. There was clearly a prima facie basis for systematic investigations into reports of summary executions and massacres. Despite the agreement secured in November 2000 to initiate a process of dialogue under the Secretary-General's good offices, both parties had engaged in military operations that had resulted in a resumption of the conflict.

71. As noted in his report, all the warring parties were guilty of grave breaches of international humanitarian law. The war-making was supported by neighbouring and other States and non-State actors who provided weapons, training and advisory assistance. The arms provided had been directly implicated inter alia in aerial bombing of civilian targets, massacres of civilians, summary executions and torture. There were credible reports that Taliban forces had summarily executed ethnic Uzbek prisoners in May 2000 and there were eyewitness reports of executions and massacres in January 2001. A number of aid agency personnel and a United Nations staff member had reportedly been among those killed.

72. It was increasingly recognized that impunity and absence of accountability had contributed to the repetition of the violations, and that an effective international initiative was needed to hold to account those responsible for war crimes and human rights violations. International cooperation would be needed to develop mechanisms to undertake full investigation and to identify those responsible.

73. Over a half million Afghans had become displaced during 2000 and 2001, prompting new refugee flows into Pakistan and Iran. Pakistan had banned new arrivals, arguing that it simply could not cope. That had resulted in the suspension by regional authorities of the verification process commenced by the United Nations High Commissioner for Refugees (UNHCR) to determine those who were most in need of urgent assistance. It was necessary to appeal to the authorities to respect the internationally agreed principles of refugee protection in respect of the new arrivals.

74. After more than two decades of conflict, Afghanistan had some of the worst education indicators in the world and the impact of the armed conflict on the economic infrastructure had been devastating. The situation had been compounded by three years of severe drought. Close to a million people were estimated to be at risk.

75. As noted in the report, all segments of the Afghan population were united on the need for change. He drew attention to his observations in paragraphs 60-62 of the report stressing the need for coordinated moves at both the macro and micro levels. In the meantime, additional resources would have to be mobilized as a matter of urgency in order to save millions from starvation and to ensure that those fleeing were not treated inhumanely as had been the experience of many of the newly arrived refugees.

76. Mr. TANDAR (Observer for Afghanistan) said that all the war crimes referred to in the report were being committed by a militia group serving the ambitions of a neighbouring country, Pakistan. He would have more to say on the matter under other items. For the time being he would confine his comments to three points in the report: the need for greater clarity, what was not said and the paragraphs relating to political means of ending the conflict.

77. In the first place, while the report suggested that both parties shared responsibility for continuing the war, the examples cited showed that the Taliban were responsible for all the military offensives leading to the violations mentioned in the report. All United Nations attempts to organize discussions to find a political solution had failed due to the behaviour of the Taliban who had openly declared - though that was not mentioned in the report - that they would not cooperate with the Special Representative of the Secretary-General. The next report should therefore be more objective.

78. Secondly, the report said nothing about an element which directly affected the human rights situation in Afghanistan, namely, the presence of thousands of foreign - essentially Pakistani and Arab mercenaries belonging to the Bin Laden group - who participated directly in military operations, especially in the kidnapping of Afghan women. Those international brigades also trained other foreign extremists for destabilizing military operations in central Asia and elsewhere, most recently in Uzbekistan and Kyrgystan.

79. The issue of minority rights should also be emphasized, for it was clear that the Taliban were practising a policy of ethnic cleansing.

80. Thirdly, regarding the paragraphs concerning political matters and the proposal for action at the micro and macro level, he appealed for the extension of humanitarian assistance, noting that thousands were at risk. The United Nations should be the centre of any search for a political solution, based on the principles of democracy, the rule of law and the participation of all in the administration of the country. The report emphasized the need for the participation of Afghans inside and outside the country. His delegation fully agreed.

81. Afghanistan had a national participatory framework; it was called the Loya Jirga. If convened, the decisions of that assembly could lead to peace. He therefore urged the international community to support that principle and to help the Afghan people. Just as the Rapporteur proposed two levels of action, so there were two dimensions to the conflict - internal and external. The Loya Jirga would deal with the internal level.

82. As to the external level, involving foreign interference, if Pakistan respected the Security Council embargo on arms for the Taliban, the meeting of the Loya Jirga could achieve

fairly speedy results. However, if Pakistan continued to support the Taliban and to violate that resolution, the international community would have to use all appropriate measures at its disposal to compel Pakistan to cease its assistance.

83. Mr. BAUM (Special Rapporteur on the situation of human rights in the Sudan), reporting on the situation of human rights in that country, said that overall the year 2000 had been characterized by an improvement in several human rights-related areas; some opposition politicians had returned to the country and were able to express their views publicly.

84. One of the most serious matters raised related to arbitrary arrest and detention without judicial review. The state of emergency allowed the President to rule through provisional Acts, although they were subject to parliamentary approval. One such Act, amending the National Security Forces Act had extended the period of detention without review to six months, thus increasing the likelihood of human rights violations.

85. Government opponents faced a permanent threat to their fundamental freedoms and their political actions tended to be criminalized. On 6 December 2000, seven representatives of the opposing National Democratic Alliance had been arrested following a meeting with a United States diplomat. He had himself met those persons and had been informed that they had been detained for more than 100 days without legal assistance.

86. He had had intensive discussions with the Government on ways of controlling the security apparatus and making it accountable by prosecuting officers responsible for human rights abuses. He had strongly condemned the extension of the period of detention without judicial review and had addressed the recent clamp-down on members of the People's National Congress. He had not been allowed to meet Dr. Hassan al-Turabi. He had condemned the arrest of Dr. Nageed Nagmeldin el Toum, who provided free medical treatment for victims of torture and human rights violations.

87. The Minister of Justice had recently informed him that all the above-mentioned cases would be reconsidered. He acknowledged the Government's openness to discussing all the individual cases he had raised and the promptness of its replies. He would continue to monitor those cases and had agreed with the Government on a permanent exchange of relevant information.

88. While noting that political views were to some extent reflected publicly, he had been informed that freedom of the press had suffered from the backlash that had marked the end of 2000. Issues of concern which had been highlighted in previous reports had been reiterated and the situation of women had also been addressed, particularly in connection with provisional orders limiting their right to work.

89. Many violations were closely linked to the ongoing conflict and were perpetrated both by the Government and by the Sudan People's Liberation Movement/Army (SPLM/A). Such violations had continued, resulting inter alia in displacement, starvation, killing of civilians and abductions. He had been pleased to learn that the ICRC was working on training programmes on international humanitarian law for the army.

90. While the Government had distanced itself from abductions, he believed that it could do more in that regard by improved control of the tribal militia. He agreed that the practice of redeeming individuals by buying them back was not effective in fighting that phenomenon. The Committee for the Eradication of Abductions of Women and Children (CEAWC) played an important role in addressing the consequences of abductions. He welcomed the news, therefore, that the Government was to bolster that Committee's resources and authority.

91. The most blatant abuse of human rights by the Government was the indiscriminate bombing of civilians. He had been informed that the number of such incidents in southern Sudan had decreased in the past two months and that further steps had been taken to prevent such incidents.

92. Access to needy populations was occasionally denied, both by the Government and by SPLM/A.

93. He had gathered further evidence that oil exploitation had led to exacerbation of the conflict. He had been informed that the Government was forcibly evicting local population to allow oil operations to proceed unimpeded. On the other hand Government officials had informed him of the social benefits linked to the oil exploitation and said that the displaced individuals would be compensated. While the main responsibility for stopping those displacements lay with the parties to the conflict, he appealed to oil companies operating in Sudan to minimize the negative impact of their operations. He would continue to monitor the link between oil exploitation and human rights abuses.

94. He had been informed that genuine democratic structures were lacking in areas under the control of SPLM/A.

95. Throughout his discussions, all his counterparts had emphasized the need for peace. He therefore urged all parties to translate their wishes into action. All the international actors involved in the peace process should contribute to it.

96. Strengthening existing Sudanese institutions and civil society was a key element in democratization and he would watch with interest any developments relating to the Human Rights and Public Duties Committee of the National Assembly, the Constitutional Court, the Advisory Council for Human Rights and CEAWC. He urged the Government to consider establishing an independent national commission on human rights, to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to accede to the Convention on the Elimination of All Forms of Discrimination against Women. He had been assured that the process of examining those Conventions would be accelerated.

97. Mr. IBRAHIM (Observer for the Sudan) reaffirmed his Government's commitment to human rights and fundamental freedoms and to full cooperation with the Special Rapporteur and welcomed the positive remarks made by the Special Rapporteur, which he recapitulated and commented.

98. Turning to the main concerns voiced by the Special Rapporteur, he said that the amendment to the National Security Forces Act had been prompted by a terrorist act in

which 22 citizens had been killed while at prayer. The amendments were provisional and subject to the approval of Parliament. Moreover, the Constitutional Court could declare the amendment unconstitutional. Most of the individual cases raised by the Special Rapporteur were not human rights violations, since the individuals in question were facing criminal charges under the Penal Code. The trial of the seven individuals he had mentioned had already started. Islamic penal laws were based on freedom of religion. Southern Sudan was excluded from the application of those laws because a substantial percentage of the population there was non-Muslim.

99. The freedom of women in the Sudan was guaranteed. The Constitutional Court had suspended, soon after its promulgation, the Order concerning women working in certain fields. Consequently, the Special Rapporteur was not justified in reporting on limitations on the freedom of women.

100. Civilian casualties due to aerial bombing resulted from the rebels' use of civilian premises for military purposes. The Government had taken steps to decrease those incidents. The Government rarely denied flights to aircraft involved in Operation Lifeline Sudan and then only because of security considerations. The real problems were caused by the rebels diverting food, imposing fees and taking hostages.

101. Oil exploitation had enabled more people to enjoy the right to food, housing, health and freedom of movement. Acquisition of land, in exchange for compensation, for the purpose of economic activities was governed by an Act promulgated in 1930, long before the Sudan became independent. People travelled a long way to live in the oil exploration areas. It was not fair for the Special Rapporteur to comment without first visiting the area. He was welcome to do so at any time.

102. His delegation was not claiming that the Sudan was free from human rights concerns, but merely refuting those that were unfounded. There were national institutions to remedy any genuine cases. Moreover, the violations were taking place within the context of a conflict which had been imposed on his Government and which it was eager to end.

The meeting rose at 6.15 p.m.